

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, NALANDA AT BIHARSHARIF	
Present- Ankur Gupta, A.D.J.-III, [Date of judgement-17.07.2026]	
Sessions Trial No.-212/2023, C.I.S. No.-BRNL010021622023, Arising out of Asthawan (Sare) P.S. Case No. 69/1998 corresponding G.R. No. 908/1998	
Informant/com-plainant	State through Rambachan Chauhan, S/O- Ramswaroop Chauhan, R/O: Village- Sindhu, P.S.- Manpur, District- Nalanda
Represented by	Kumari Snehlata Sujal, Ld. A.P.P.
Accused	1. Pappu Paswan, S/o.- Late Shivshankar Paswan, Aged 53 Years R/o. Village- Malti, P.S.- Asthawan, Distt- Nalanda
Represented by	Sri Sudesh Kumar Sinha, Ld. Advocate

FORM B

Date of offence	02.05.1998
Date of FIR	02.05.1998
Date of charge-sheet/Issuance of process	29.04.2000
Date of cognizance	23.02.2016
Date of commitment	23.02.2023
Date of framing of charges	20.03.2023
Date of commencement of evidence	19.04.2023
Date on which judgment is reserved	03.07.2023
Date of judgment	17.07.2023
Date of sentencing order,if any	Not applicable

ACCUSED DETAILS

Rank of the ac-cused	Name of the accused	Date of arrest/ Surrender	Date of re-lease on bail	Offence charged with	Whether acquitted or con-victed	Sen-tence imposed	Period of de-tention un-dergone dur-ing trail for purpose of section 428 of Cr.Pc.
1.	Pappu Paswan, S/o.- Late Shiv-shankar Paswan	N.A.	23.02.2023	U/s- 395 I.P.C.	Acquitted	N/A	N.A.

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

Rank	Name	Nature of evidence(eye witness, police witness, expert witness, medical witness, panch witness other witness
PW-1	Shaligram Singh	Witness of fact
PW-2	Anuj Kumar	Witness of fact

B. Defence witnesses, if any

Rank	Name	Nature of evidence(eye witness,police witness,expert witness, medical witness, panch witness other witness
Nil		

C. Court witness, if any

Rank	Name	Nature of evidence(eye witness, police witness, expert witness, medical witness,panch witness other witness
Nil		

FORM-D

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1		

B. Defence

Sr. No.	Exhibit Number	Description
Nil		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
Nil		

JUDGMENT

1. Accused Pappu Paswan is facing trial for the offence punishable under Section 395 of the Indian Penal Code for allegedly committing dacoity upon the informant and others.

PROSECUTION CASE

2. The prosecution case is based on the fardbeyan of the informant, Ram Bachchan Chauhan, wherein he stated that on 2 April 1998, at about 3:30 a.m., he, along with the driver, Umesh Paswan, and the khalasi, Anuj Kumar, was travelling in a Tata vehicle. At

about 4:00 a.m., when they reached near Bahadurpur More, the driver stopped the vehicle on seeing two trucks and a mini-truck standing there. As soon as their vehicle stopped, eight to ten persons arrived at the spot, out of whom four boarded the Tata vehicle. All of them were armed with pistols. They started abusing the occupants of the vehicle and demanded that they hand over all their belongings. The offenders removed the tape recorder/music player fitted in the vehicle and took away five cassettes. They also took ₹450 from the informant, along with his shirt, trousers and towel. They took ₹130 and a wristwatch from Anuj Kumar and ₹1100 and a wristwatch from Umesh Paswan. All the offenders were stated to be between 18 and 25 years of age.

COGNIZANCE AND COMMITMENT

3. On the basis of the aforesaid fardbeyan, Sare P.S. Case No. 69 of 1998 was registered, and the investigation commenced. Upon completion of the investigation, a charge-sheet was submitted against accused Ravindra Paswan. Cognizance of the offence punishable under Section 395 IPC was taken against him on 12 August 1998. The trial of Teni Yadav, Mohiva Yadav, Manjhya Yadav, Aso Paswan, Pappu Paswan, Bal Mukund Paswan and Baudhu Yadav was separated.
4. Subsequently, a final form was submitted in favour of Pappu Paswan, Balmukund Paswan, Mittu Yadav, Tenu Yadav and Majhiya Yadav. However, as the learned Trial Court found sufficient materials in the case diary against the said accused persons, it found a prima facie case against them and rejected the final form by order dated 23 February 2016.
5. Thereafter, accused Pappu Paswan appeared before the Court. His trial was separated by order dated 23 February 2023, passed in G.R. Case No. 908 of 1998. His record was committed to the Court of Session by order dated 23 February 2023, and the present trial proceeded against accused Pappu Paswan alone.

CHARGE

6. A charge for the offence punishable under Section 395 IPC was framed against accused Pappu Paswan on 20 March 2023. The charge was read over and explained to him in Hindi, to which he pleaded not guilty and claimed to be tried.

STATEMENT OF ACCUSED

7. The statement of the accused under Section 313 Cr.P.C. was recorded on 19 June 2026. He denied the incriminating evidence appearing against him, claimed it to be false and

pleaded innocence as his general defence.

POINT OF DETERMINATION

8. The only point for determination before this Court is whether the prosecution has succeeded in proving the charge against accused Pappu Paswan beyond reasonable doubt.

FINDINGS

9. In support of its case, the prosecution has examined two witnesses, namely:

PW-1 Shaligram Singh; and

PW-2 Anuj Prasad.

10. **PW-1 Shaligram Singh** stated in his deposition that a dacoity had taken place in a Tata 407 vehicle. However, he further stated that he did not know which offender had taken away which article. He also stated that he could not identify any of the offenders.

In his cross-examination, PW-1 stated that he did not know any of the accused persons of the case. He also denied having witnessed the actual occurrence.

11. **PW-2 Anuj Prasad** stated that the occurrence of dacoity had taken place in the year 1998. At that time, he was sleeping inside the Tata 407 vehicle. He woke up upon hearing a commotion but did not witness the actual commission of the dacoity. He further stated that he could not identify any of the accused persons.

In his cross-examination, PW-2 stated that he did not know anything about the occurrence and that the police had not recorded his statement.

12. Thus, it is evident that neither of the two prosecution witnesses has made any incriminating statement against accused Pappu Paswan. Neither witness identified the accused as one of the persons involved in the alleged occurrence. There is also no other substantive evidence on record connecting the accused with the commission of the offence.

13. Accordingly, this Court finds that the prosecution has failed to prove the charge against accused Pappu Paswan beyond reasonable doubt. It is therefore

ORDERED

14. That (1) Pappu Paswan is found not guilty of the offence punishable under Section 395 IPC and is hereby **ACQUITTED** of the said charge. He and his bailors are discharged from the liabilities of their respective bail bonds.

15. Let a copy of this judgment be sent to the learned District Magistrate in compliance with Section 365 Cr.P.C. Let the record be consigned to the Record Room in accordance with the rules.

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, NALANDA AT BIHARSHARIF

Present- Ankur Gupta, Addl.S.J.-III,

S.T. No.-212/2023, Asthawan (Sare) P.S. Case No. 69/1998

State Vs Mithu Yadav @ Mithilesh Yadav & Others

[Date of Judgment-**17.07.2026**]

5/5

This judgment is pronounced on **17th day of July, 2026** in the open court by me.

(Dictated & Corrected by me)

(Ankur Gupta)
District. & Addl. Sessions Judge-III
Nalanda at Bihasharif
17.07.2026

(Ankur Gupta)
District. & Addl. Sessions Judge-III
Nalanda at Bihasharif
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