

Ms. Namita Singh, Addl. Sessions Judge I, Biharsharif, Nalanda.
Sessions Trial No. 249 of 2021
 [Arising out of Silao P.S. Case No. 15/2019]
State versus Kunal Singh

<i>In the Court of Addl. Sessions Judge-I, Biharsharif, Nalanda.</i> <i>Present: Ms. Namita Singh, Addl. Sessions Judge-I</i> <i>Sessions Trial No. 249 of 2021</i> <i>[Date of Judgment- 24.07.2026]</i> <i>State Vs Kunal Singh</i>	
<i>PROSECUTION/ INFORMANT</i>	Sandesh Kumar s/o Late Muneshwar Yadav, r/o Vill- Udanbigaha, P.S.- Silao, Dist- Nalanda
<i>REPRESENTED BY</i>	Sri Rana Ranjit Singh, APP
<i>ACCUSED</i>	1. Kunal Singh.....aged about 27 yrs s/o Upendra Singh r/o Village- Udanbigaha / Udanpur, P.S.- Silao, District- Nalanda
<i>REPRESENTED BY</i>	1. Dharmendra Kumar, advocate 2. Pallavi, advocate

FORM – B

<i>Date of offence</i>	09.01.2019
<i>Date of FIR</i>	10.01.2019
<i>Date of charge sheet</i>	30.06.2020
<i>Date of cognizance of offence of the accused</i>	25.01.2021
<i>Date of framing of charge</i>	26.03.2021
<i>Date of commencement of evidence</i>	24.05.2021
<i>Date on which Judgement is reserved</i>	21.07.2026
<i>Date of the Judgement</i>	24.07.2026
<i>Date of the Sentencing order</i>	NA

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ACCUSED DETAIL

<i>Rank of the Accused</i>	<i>Name of Accused</i>	<i>Date of Arrest</i>	<i>Date of Release on Bail</i>	<i>Offences Charged with</i>	<i>Whether Acquitted or convicted</i>	<i>Sentence Imposed</i>	<i>Period of Detention undergone during Trial for purpose of section 428, Cr. P.C.</i>
A1	Kunal Singh	NA	23.07.19	u/s 147, 148, 149, 341, 307, 337, 504, 506, 120(B) IPC & 27 Arms Act	Acquitted	NA	NA

FORM C

Prosecution Witnesses

<i>RANK</i>	<i>NAME</i>
<i>PW 1</i>	Sandesh Kumar
<i>PW 2</i>	Rajeev Pandey
<i>PW 3</i>	Vidya Singh

FORM D

Defence Witnesses

<i>RANK</i>	<i>NAME</i>
<i>NIL</i>	<i>NIL</i>

FORM E

Court Witnesses, if any

<i>RANK</i>	<i>NAME</i>
<i>NIL</i>	<i>NIL</i>

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

Prosecution

<i>Sl.No</i>	<i>Exhibit number</i>	<i>Description.</i>
1	Ex. P-1/PW1	Signature of Informant on the written application

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Defence

SL No.	Exhibit number	Description
1.	NIL	NIL

Court Exhibits

Sl No.	Exhibit number	Description
1.	NIL	NIL

JUDGMENT

1. The above-named accused Kunal Singh has been charged u/s 147, 148, 149, 341, 307, 337, 504, 506, 120(B) of the Indian Penal Code (IPC) and Section 27 of the Arms Act to which he has pleaded not guilty and claimed to be tried.
2. The prosecution case is based on the written application of the informant, Sandesh Kumar (PW-1), alleging that on 09.01.2019 at about 10:00 AM, firing took place near his residence. During the incident, the informant's wife, Minta Devi, sustained a gunshot wound to her back/shoulder and arm. She was taken to Silao PHC, then referred to Sadar Hospital Biharsharif, and subsequently to PMCH Patna for treatment. It was alleged in the initial FIR that accused Kunal Singh, along with co-accused, was present with a country-made pistol and participated in indiscriminate firing.
3. After investigation the police submitted a charge sheet against the accused Kunal Singh. Cognizance was taken by the court under the same sections and received after commitment. It is pertinent to mention here that 10 other co-accused persons named in the FIR were previously tried separately in S.T. No. 541/2019 and acquitted by the Court of Addl. Sessions Judge-I -cum- Special Judge, Biharsharif vide judgment dated 03.02.2020 due to lack of evidence.
4. Charge was framed against the accused u/s 147, 148, 149, 341, 307, 337, 504, 506, 120(B) IPC and Section 27 Arms Act on 26.03.2021.
5. The case of defence is general denial of prosecution case and the accused has pleaded not guilty. The point to be determined now is whether the prosecution has been able to prove the guilt of the accused beyond all reasonable doubt.

EVIDENCE

6. In this case, three witnesses have been examined on behalf of the prosecution. PW-1 is Sandesh Kumar; PW-2 is Rajeev Pandey and; PW-3 is Vidya Kumar
7. **PW-1 Sandesh Kumar** is the informant of this case. He has stated in his examination in chief that on 09.01.2019 at 10:00 AM, he was at his house when firing occurred. His wife was standing at the door and received a gunshot injury on her left arm. They took her to Silao Hospital, then to Biharsharif Sadar Hospital, and finally to PMCH Patna. However, in Para 2 he explicitly stated that he did not see who fired the gun. He identified his signature on the written complaint (Ex. P-1/PW1). In cross-examination, he admitted that his signature was taken on a blank paper and he does not know who wrote the application. He further stated that till date, it is not known who shot his wife, adding that the police never questioned him and that at the time of the incident, the accused was a student and did not reside in the village.
8. **PW-2 Rajeev Pandey** has stated in his examination in chief that he knows nothing about the incident and his statement was never recorded by the police. He was declared hostile at the request of the prosecution. In cross-examination, he stated that he does not know who shot whom to this day.
9. **PW-3 Vidya Kumar** has stated in his examination in chief that he knows nothing about the incident and was declared hostile. In cross-examination, he admitted that he was not present in the village at the time of the occurrence.

ARGUMENTS

10. The learned lawyer on behalf of the accused submitted that the prosecution has completely failed to establish the identity or presence of accused Kunal Singh at the crime scene. The informant himself (PW-1) explicitly admitted in court that he did not see who fired the gun and that accused Kunal Singh was a student living away from the village at the time. Other witnesses turned hostile, and no independent evidence or medical/investigative evidence links the accused to the crime. The learned APP on behalf of State submitted that an offense under Section 307 IPC was committed in which a woman suffered gunshot injuries, and requested that the accused be punished according to law

FINDINGS

11. A careful evaluation of the oral and documentary evidence on record, along with a consideration of the procedural history of this case, is necessary to determine the guilt or innocence of the sole accused, Kunal Singh. At the outset, it is pertinent to consider the procedural posture of this matter. The initial FIR (Silao P.S. Case No. 15/2019) was registered against eleven named accused persons, including the present accused, Kunal Singh. Ten of the original co-accused—namely Raju Singh, Mantu @ Pankaj Singh, Manoj Singh, Uday Singh, Deepak Singh, Vijay Singh, Upendra Singh, Narayan Singh, Tulsi Devi, and Pravesh Devi—were tried earlier in Sessions Trial No. 541/2019 and acquitted by the Court of Addl. Sessions Judge-I - cum- Special Judge, Biharsharif vide judgment dated 03.02.2020. In that previous trial, the injured victim, Minta Devi, was examined as Prosecution Witness No. 5 (PW-5). In the present case which is the split trial against accused Kunal Singh, the prosecution failed to examine the injured victim woman altogether. Her non-examination in the present trial leaves a critical gap in the prosecution's narrative, as the primary injured victim was never brought before this Court to identify or implicate the present accused.
12. Turning to the testimony of the witnesses who were examined in the present proceeding, the informant, Sandesh Kumar (PW-1), who is also the husband of the victim, failed to support the allegation against accused Kunal Singh. In his examination-in-chief, PW-1 explicitly stated that he did not see who fired the gun. During his cross-examination, PW-1 went on to admit that he had merely signed a blank sheet of paper without knowing its contents and reaffirmed that till date, it is not known who shot his wife. Crucially, PW-1 further testified in cross-examination that at the time of the occurrence, accused Kunal Singh was a student who was not even residing in the village. The other independent witnesses examined in this trial—PW-2 (Rajeev Pandey) and PW-3 (Vidya Singh)—both resiled from their alleged statements given to the police, stated they knew nothing about the incident, and were consequently declared hostile by the prosecution. The prosecution's case is further weakened by serious procedural omissions. The prosecution failed to produce and examine either the Investigating Officer (I.O.) or the treating Medical Officer. Due to the non-examination of these essential official witnesses, neither the formal FIR, the seizure list, the place of occurrence, nor the injury report of the victim were legally proved or marked as exhibits on record against accused Kunal Singh.

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13. It is clear that when the primary witness and informant (PW-1) explicitly exonerates the accused, the injured victim is not examined, independent witnesses turn hostile, and official witnesses (the Doctor and IO) are withheld, there remains no legal, direct, physical, or forensic evidence on record to establish the presence or involvement of accused Kunal Singh at the spot. It is a settled principle of criminal jurisprudence that the burden lies entirely on the prosecution to prove the guilt of the accused beyond all reasonable doubt, and suspicion, howsoever strong, cannot take the place of proof. Therefore, after assessing the cumulative weight of the evidence on record, this Court arrives at the irresistible conclusion that the prosecution has completely failed to prove the charges u/s 147, 148, 149, 341, 307, 337, 504, 506, 120(B) IPC and Section 27 of the Arms Act against accused Kunal Singh.

ORDER

14. Under the facts on record and the circumstances of this case it is thus apparent that prosecution has failed to prove the guilt of the accused u/s 147, 148, 149, 341, 307, 337, 504, 506, 120(B) IPC and Section 27 of the Arms Act beyond all reasonable doubts. Accordingly, the accused **Kunal Singh** is hereby ordered to be acquitted of the charge levelled against him **u/s 147, 148, 149, 341, 307, 337, 504, 506, 120(B) IPC and Section 27 of the Arms Act**. The sureties are discharged from the liability of their previous bail bond.

Dictated and corrected
by me:

Signed by me:

Sd/-
(Namita Singh)
Add. Sessions Judge-I
Biharsharif, Nalanda

Sd/-
(Namita Singh)
Add. Sessions Judge-I
Biharsharif, Nalanda