

Present:- Dhananjay Kumar Mishra.
Additional Sessions Judge-II, Patna
Patna the 02nd day of July, 2026.

Case No:- S.T. No.81 of 2011.

C. I. S. No:-

(Arising out of Patliputra P.S. case No.99 of 2004 Dated 13.06.2004)

State (Through Kundan Lal) ----- Prosecution.

Versus.

1. Mukesh Singh aged about 42 years, S/o Late Madan Singh, R/o Mainpura, P.S. – Patliputra, District- Patna.

----- Accused.

For the prosecution: - Sri Arshad Hussain, Addl. P.P.

For the defence : - Sri Saurav Rai, Advocate.

Charge: - U/S 387 I.P.C., 27 of the Arms Act and 3/4 Explosive Substance Act.

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Patna, the 02nd day of July 2026.**

	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of De-tention Under-gone during Trial for purpose of Section 428, Cr.P.C.
1.	Mukesh Singh	16.06. 2004	19.06. 2008	387 I.P.C., 27 Arms Act and 3/4 Explosive Substance Act.	Acquit- ted	-	-

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LIST OF PROSECUTION/DEFENCE/COURT WITNESSES:-

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WIT- NESS, EXPERT WITNESS, MEDI- CAL WITNESS, PANCH WIT- NESS, OTHER WITNESS)
1.	Kundan Lal	Eye witness
2.	Prakash Lal	Eye witness
3.	Hira Lal	Eye witness
4.	Krishna Singh	Hearsay witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WIT- NESS, PANCH WITNESS, OTHER WITNESS)
-	-	-
-	-	-

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WIT- NESS, PANCH WITNESS, OTHER WITNESS)
CW-01	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

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Sr. No.	Exhibit Number	Description
1	Ext. P1	Signature of the informant on Fardbayan

B. Defence.

Sr. No.	Exhibit Number	Description

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	-	-

D. Material Objects :

Sr. No.	Exhibit Number	Description
1	-	-

J U D G M E N T

The sole accused namely Mukesh Singh stands charge for the offence punishable U/S 387 I.P.C., 27 of the Arms Act and 3/4 Explosive Substance Act for extorting money from the informant by putting him and his family members in fear of death by exploding bombs and using fire arms and accordingly he has been tried for the said offences.

2. The prosecution case according to Fardbayan of the informant namely Kundan Lal recorded by Alok Kumar Singh, Inspector -Cum- Officer in-Charge, Patliputra P.S. Patna on 13.06.2004 at 19.20 Hrs. at the door of the informant, in brief, is that on the alleged date of occurrence in the evening the informant was in his house along with his family members. In the meantime at about 7.00 p.m. the accused Mukesh Singh of Mohalla Mainpura with his 4-5 other associates came at his door and exploded bomb at his main gate and made firings. After five minutes of bomb exploding they all fled away from separate lane. In the meantime mohalla people assembled there and the Police also

reached, but the miscreants fled away taking benefit of narrow street and darkness. The reason behind the occurrence as alleged in the Fardbayan is that on 09.04.2004 the miscreants had demanded ransom for which the informant had lodged a case. Again they had come to threaten and for demanding ransom. In this occurrence no family members has sustained injury.

3. On the basis of aforesaid Fardbayan of the informant Kundan Lal, Patliputra P.S. Case No.99/2004 dated 13.06.2004 U/S 387 I.P.C., 3/4 Explosive Substance Act and 27 of the Arms Act was registered against the accused namely Mukesh Singh facing trial and his 4-5 other associates. Thereafter, investigation was initiated and after completion of investigation charge-sheet No.51/2004 dated 13.08.2004 has been submitted U/S 387 I.P.C., 3/4 Explosive Substance Act and 27 of the Arms Act against the accused facing trial and co-accused persons, keeping investigation pending for verification of name and address of the non F.I.R. named accused persons. Accordingly, cognizance was taken on 14.08.2004 under the aforesaid counts by the learned C.J.M. Patna and in due course the case of the accused facing trial and other co-accused persons was committed to the court of Sessions on 17.01.2011 from where the case record was ultimately transferred to this court for trial and disposal.

4. Case of defence is that the alleged occurrence was not taken place on the alleged date and time at alleged place of occurrence. He has been dragged in this case due to ulterior motive of the informant. He has been falsely implicated in this case merely on suspicion without any legal or cogent evidence. He is quite innocent.

5. Charges were framed for the offence punishable U/S 387 of the I.P.C., 27 Arms Act and 3/4 Explosive Substance Act against both the accused persons namely Mukesh Singh and Amish Tiwary and charges were read over and explained in Hindi to them to which they pleaded not guilty and claimed to be tried. During course of trial the accused

Amish Tiwary left doing pairavi since long as a result of which his bail bond was cancelled on 02.05.2019 and nonailable warrant of arrest was issued against him. Despite best efforts taken and sufficient opportunity given by the then court, but accused Amish Tiwary did not appear before the court. Hence his case record was separated from this case on 24.06.2026 in the light of order dated 03.02.2026 passed by the then court.

6. After closure of prosecution evidence statement of the accused Mukesh Singh was recorded under the provision of section 313 Cr.P.C. in which he has denied all the allegations brought against him by the prosecution and he has further stated that he is quite innocent.

7. Now, the only point arises for determination is as to whether the prosecution has been able to bring home the charges levelled against the accused on trial beyond shadow of all reasonable doubts ?

FINDINGS

8. Heard arguments analogously and perused the case record, case record reveals that in order to substantiate the charges, the prosecution has examined altogether four witnesses who are P.W.1 Kundan Lal (informant), P.W.2 Prakash Lal, P.W.3 Hira Lal and P.W.4 Krishna Singh, out of nine prosecution witnesses cited in the Charge-sheet. During examination-in-chief P.W.1 the informant Kundan Lal has proved his signature on the Fardbayan which has been marked as Ext. P-1. No any other evidence except above noted either oral or documentary has been produced by the prosecution. On behalf of accused Mukesh Singh no any evidence either oral or documentary has been produced in his defence.

9. Now, the evidences produced on behalf of the prosecution will be discussed for arriving on conclusion that whether prosecution has succeeded to prove the charges levelled against the accused. To prove the charges prosecution has got examined altogether four witnesses, out of whom P.W.1 Kundan Lal is the informant of this case who has

stated nothing against the accused facing trial. He has stated that he does not know about the occurrence. He has further stated that some persons came at his door, hurled abuses and went away. This witness has proved his signature, but has stated that upon which what was written, he does not know. His signature has been marked as Ext. P1. This witness has been declared hostile by the learned Addl. P.P.

Thus, from his evidence complicity of the accused facing trial cannot be said to be proved at all as he has not named the accused who is facing trial.

This witness has been corss-examined by defence with regard to his previous Police statement which he has denied. He has not identified the accused.

This witness has denied the suggestion that it is not true that he has deposed falsely in collusion with the accused. He has stated that he has come to depose in court on receiving Notice sent from the court.

10. P.W.2 Prakash Lal and P.W.3 Hira Lal have been declared hostile by the prosecution. Both have identically stated that they have no knowledge about the alleged occurrence. Their statements were not recorded by the Police.

Both have been cross-examined by the defence with regard to their previous Police statements which they have denied. They have denied the suggestion that it is not true that they have deposed falsely in collusion with the accused. After receiving Notice from the court, they have come to depose in this case.

11. P.W.4 Krishna Singh is hearsay witness. He has stated that he came to know about the occurrence after lapse of 15 days that bomb was exploded at the house of Kamla Devi, wife of Hira Lal.

During cross-examination this witness has stated that on receiving Notice, he has come to depose in court.

12. Altogether nine witnesses are cited in the charge-sheet, out of whom one Kamla Devi died which is evident from the cross-examination in Para-4 of the informant P.W.1 Kundan Lal as Kamla Devi was his mother. Four witnesses including the informant were produced by the prosecution, but none of them has supported the prosecution case. No fruitful purpose will be served to keep this case pending for examination of remaining witnesses. Hence under the above facts and circumstances, the prosecution evidence was closed on 15.06.2026 by this court.

13. During course of argument the learned Counsel appearing on behalf of the defence has submitted that in this case altogether four witnesses including the informant have been examined by the prosecution who all have said nothing about the accused facing trial. P.W.1 Kundan Lal, the informant of this case has got exhibited his signature on Fardbayan which has been marked as Ext.P1 in this case, but he has stated that upon which what was written, he does not know. Virtually, this is a case of no evidence. Hence prayer has been made to acquit the accused facing trial.

On the other hand learned Addl. Public Prosecutor did not controvert the above submissions.

14. Thus, from the facts and circumstances of the case and the materials available on record, I find that there is no cogent evidence against the accused which proves the charges levelled against the accused and the prosecution has miserably failed in bringing home the guilt of the accused beyond the shadow of all reasonable doubts. This is a very old case of the year, 2004.

ORDER

15. In the result, I find and hold that the accused namely Mukesh Singh is found not guilty of the charges. Hence he is acquitted of the charges Under Section 387 of the I.P.C., 27 Arms Act and 3/4 Explosive

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Additional Sessions Judge-II, Patna
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Substance Act. He is on bail and is present in the court. He is set at liberty and discharged from the liability of his bail bond.

Dictated and corrected by me,

**(Dhananjay Kumar Mishra),
Addl. Sessions Judge-II,
Patna.
02.07.2026.**

**Sd/-
(Dhananjay Kumar Mishra),
Addl. Sessions Judge-II,
Patna.
02.07.2026.**

Date of Judgment/order	02.07.2026
Date of Reserving Judgment/order	01.07.2026
Uploading Date	02.07.2026
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