

S.Tr. Case No.- 464/2016

1.

<u>In the court of District & Addl. Sessions Judge, 2nd, Barh (Patna)</u> Present- Manish Kumar Date of the Judgment- 30.06.2026 <u>S.Tr. Case No.- 464/2016</u> CNR No.- BRPA300000102016 Details of F.I.R. No.- 234/2013 and Police Station- Athmalgola	
INFORMANT Krishn Murari (S.H.O.) P.S.- Athmalgola District- Patna	STATE OF BIHAR
PRESENTED BY	Sri Binod Kumar, A.P.P.
ACCUSED	1. Damodar Mahto @ Damodar Jha @ Jha Ji, S/O- Late VanVari Mahto (R/O- Sabnima, P.S.- Athmalgola, Distt.- Patna)
REPRESENTED BY	Sri Sanjay Kumar, Advocate

Date of offence	N/A
Date of FIR	01.11.2013
Date of Charge sheet	28.02.2015
Date of Framing of Charges	20.07.2017
Date of commencement of evidence	12.09.2017
Date on which Judgment is reserved	N/A
Date of Judgment	30.06.2026
Date of the Sentencing Order, if any	N/A

S.Tr. Case No.- 464/2016

2.

Accused Details:

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
1.	Damodar Mahto @ Damodar Jha @ Jha Ji	22.03.2014	22.03.2014	u/s- 285, 304 of I.P.C. and 5 Explosive Act.	Acquitted	N/A	N/A

Attached:-

APPENDIX OF EVIDENCE INDEX.

LIST OF PROSECUTION/DEFFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.-1	Santosh Paswan (Chaukidar 7/8)	Other witness
P.W.-2	Harindar Paswan	Other witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W.-1	N/A	N/A

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	N/A	N/A

S.Tr. Case No.- 464/2016

3.

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Exhibit- P-1/PW1	N/A

B. Defence:

Sr. No.	Exhibit Number	Description
1	Exhibit D-1/DW1	N/A

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW1	N/A
2	Exhibit C-2/CW2	N/A

D. Material Objects:

Sr. No.	Material Objects	Description
1	MO1	N/A
2	MO2	N/A

S.Tr. Case No.- 464/2016

4.

JUDGMENT

1. The above named accused has been brought before this court for facing a trial for charge u/s- 285, 304 of I.P.C. and 5 Explosive Act.
2. In this sessions trial, the accused Damodar Mahto @ Damodar Jha @ Jha Ji, who is named accused in Athmalgola P.S. Case No. 234/2013, G.R. Case No.- 1804/2013 for the offence u/s- 285, 304 of I.P.C. and 5 Explosive Act., is facing trial.
3. This case has been instituted on the basis of self-assessment report of S.I. Krishn Murari, SHO, Athmalgola, who alleged that on 01.11.2013 at 10:30 A.M., he received an information regarding bomb explosion in the house of former Mukhiya Damodar Mahto. In order to verify to said information he along with police officials proceeded towards the place of occurrence and upon inquiry from the villagers, it was revealed that Nitish Kumar was residing as a tenant on the first floor of the house of Damodar Mahto, who sustained injury in the said explosion and subsequently taken to the P.H.C., Bakhtiyarpur for treatment. Thereafter, he was referred to P.M.C.H., Patna for further treatment. It is further alleged that the place of occurrence was subsequently cordoned off then, the house of Damodar Mahto was searched and upon search, presence of gun powder was suspected. Thereafter, seizure list was prepared in the presence of independent witnesses. Subsequently, FIR was registered.
4. After completion of investigation, the police has submitted charge sheet against the accused Damodar Mahto @ Damodar Jha @ Jha Ji u/s- 285, 304 of I.P.C. and 5 Explosive Act vide charge sheet no.- 43/2015, dated 28.02.2015.
5. On 09.03.2015, Ld. S.D.J.M., Barh (Patna), considering the materials available on record, has taken cognizance against the accused Damodar Mahto @ Damodar Jha @ Jha Ji for the offences u/s- 285, 304 of I.P.C. and 5 Explosive Act.

S.Tr. Case No.- 464/2016

5.

6. On 20.07.2017, charges have been framed against accused Damodar Mahto @ Damodar Jha @ Jha Ji u/s- 285, 304 of I.P.C. and 5 Explosive Act. Thus, only one accused Damodar Mahto @ Damodar Jha @ Jha Ji is facing trial before this Sessions Court.

7. On behalf of the prosecution, altogether two witnesses of the charge sheet have been examined namely:-

P.W.- 01- Santosh Paswan (Chaukidar 7/8)

P.W.- 02- Harindar Paswan

8. On 22.06.2026, statement of accused Damodar Mahto @ Damodar Jha @ Jha Ji was recorded U/s.- 313 Cr.P.C. Accused has denied the charges and claimed to be innocent.

9. Point of determination:-

Whether prosecution has been able to prove the charges against the accused persons beyond all reasonable doubts?

10. On behalf of the defence/ accused neither any witnesses has been examined nor any document has been marked as exhibit.

11. I have heard the Ld. Counsel for the prosecution and the Ld. Counsel for the defence.

12. In order to prove the charges against the accused persons, prosecution has examined altogether two witnesses.

13. **P.W.-1, Santosh Paswan (Chaukidar 7/8)**, who deposed in his examination-in-chief that on 01.11.2013, he was posted as chaukidar at P.S. Athmalgola. The witness further deposed that Naresh Mahto was residing as a tenant in the house of Damodar Mahto. He further deposed that bomb was exploded in the house of Damodar Mahto due to which Nitish got severely injured and referred to PMCH, Patna for treatment, where he died in the course of treatment. The witness further deposed that Damodar Mahto was alone in the house during the said incident.

S.Tr. Case No.- 464/2016

6.

In his cross-examination, the witness deposed that his village is 1-1.5 KM away from the village of Naresh Mahto. The witness further deposed that he could not tell how long Naresh Mahto has resided in the house of Damodar Mahto. The witness further deposed that the incident was not happened before him.

14. P.W.-2, Harindar Paswan, who deposed in his examination-in-chief that he was on duty in police station on 01.11.2013. He further deposed that Nitish Kumar was tenant in the house of Damodar Mahto. He further deposed that bomb was kept in the house and when Nitish Kumar went to remove his belongings, the bomb exploded and he got injured and thereafter taken to P.H.C., Bakhtiyarpur and thereafter referred to PMCH, Patna, where he died in the course of treatment.

In his cross-examination, the witness stated that the incident was not happened before him.

FINDINGS

15. In the present case, prosecution examined only two witnesses in support of this case out of 17 witnesses cited in the charge-sheet. **P.W.-1, Santosh Paswan**, stated during in his examination that Nitish Kumar got severely injured due to explosion of bomb in the house of Damodar Mahto and died in the course of treatment. He further stated that he could not tell how long had Nitish Kumar been staying as a tenant in the house of Damodar Mahto. He also stated that the incident was not happened before him. Further, P.W.-2 Harindar Paswan stated during in his examination that Nitish Kumar had been staying in the house of Damodar Mahto as tenant and sustained injury in the explosion of bomb in the house of Damodar Mahto and thereafter referred to PMCH, Patna, where he died in the course of treatment. This witness also deposed that the incident was not happened before him.

S.Tr. Case No.- 464/2016

7.

16. From the appreciation of evidence adduced by the prosecution, it can easily be gathered that both the prosecution witnesses examined before this court were not eye-witnesses of the case rather they heard about the incident and given their testimonies on the basis of what they heard from others. Hence, both the prosecution witnesses examined by the prosecution are hearsay witnesses, and in absence of independent, reliable and direct material evidence to corroborate the facts, it is always unsafe to rely hearsay evidence. Therefore, the quality of evidence brought before this court by the prosecution are not sufficient to prove the guilt of the accused beyond reasonable doubt.

17. On the above discussion and from perusal of material available on record, I come to the conclusion that the prosecution has miserably failed to prove the charges leveled against the accused persons.

ORDER

Therefore, accused Damodar Mahto @ Damodar Jha @ Jha Ji is found to be not guilty and therefore, he is acquitted from the charges u/s- 285, 304 of I.P.C. and 5 Explosive Act. He and his sureties are also discharged from the liability of bail bonds. He is set at liberty.

Dictated, corrected, signed, sealed and pronounced by me in open court.

(Manish Kumar)
Addl. Sessions Judge-II
Civil Court, Barh, Patna
Dated- 30.06.2026

(Manish Kumar)
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Civil Court, Barh, Patna
Dated- 30.06.2026