

Form-A

**IN THE COURT OF DISTRICT & ADDL.
SESSIONS JUDGE -IV, BARH**

DISTRICT - PATNA (BIHAR)

**PRESENT : SRI SHAILENDRA KUMAR SINGH,
Addl. Sessions Judge - IV, Barh (Patna)**

DATE OF JUDGMENT- 27/07/2026

ST CASE NO. 275/2005
CNR No. BRPA30-000110-2005

INFORMANT	STATE OF BIHAR (Through Informant Ram Nandan Ray S/O Late Ram Udit Rai (R/o Village : Vidhipur, Gajraj Asthan, Police Station : Bakhtiyarpur, District : Patna (Bihar)
REPRESENTED BY	Sri Prabhat Kumar, Ld. A.P.P.
ACCUSED PERSONS	A1 - Ram Tahal Ray a/a 48 Yrs S/o- Late Laxmi Ray A2 - Dwarika Ray a/a 82 Yrs S/o- Late Ram Bhajan Ray (R/o Village : Vidhipur, Gajraj Asthan, Police Station : Bakhtiyarpur, District : Patna (Bihar)
REPRESENTED BY	Sri Ranvijay Singh, Advocate



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Form-B

Date of Offence	17/10/2000
Date of FIR	17/10/2000
Date of Charge sheet	20/01/2003
Date of Framing of Charges	26/02/2009
Date of Commencement of Evidences	22/04/2009
Date on which Judgment is reserved	27/07/2026
Date of the Judgment	27/07/2026
Date of the Sentencing Order, if any	N/A

ACCUSED DETAILS:

Rank of the accused	Name of Accused	Date of Arrest	Date of Released on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C
A-1	Ram Tahal Ray	04/01/2002	13/03/2002	u/s 307, 324 r/w 34 IPC & 27 Arms Act	Acquitted	Nil	Nil
A-2	Dwarika Ray	26/12/2001	04/01/2002	u/s 307, 324 r/w 34 IPC & 27 Arms Act	Acquitted	Nil	Nil

:::: J U D G E M E N T :::



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1. All two accused persons *namely*, **Ram Tahal Ray**, **Dwarika Ray** are facing trial for the offenses punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** for voluntarily causing hurt with dangerous weapon and attempting to commit murder of informant by fire arms in furtherance of common intention.

2. Prosecution case as per *ferdbyan* dated 17/10/2000 informant **Ram Nandan Ray** in brief is that; on 17/10/2000 at 06:00 PM near house of Jhauri Mochi, Ram Tahal Ray, brother in law of Raju Ray armed with pistol surrounded him. Brother-in-law of Raju Ray fired a bullet, which hit his shoulder. The main reason for occurrence was previous enmity with accused persons.

3. On the basis of *ferdbyan* dated 17/10/2000, an

F.I.R. has been registered against three accused persons namely, **Ram Tahal Rai, Sanjay Rai & Dwarika Rai**. for the offenses punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** as Bakhtiyarpur P.S. Case No. 189/2000 dated 17/10/2000. After investigation, Police submitted Charge Sheet No. 07/2003 dated 20/01/2003 for offence punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** against all three FIR named accused persons, **showing one accused namely, Sanjay Ray as absconder**. On 24/01/2003, cognizance of the offenses punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** has been taken by the then Ld. A.C.J.M. Barh against all three charge sheeted accused persons. Case record of one **absent** accused person namely, **Sanjay Rai** has been **split up vide order dated 24/01/2003** passed by Ld. ACJM, Barh. After complying the provisions of section 207 Cr.P.C. case record committed to the Court of Sessions. Case record of **two** accused persons including, **Ram Tahal Rai & Dwarika Rai**. received to this Court on 09/11/2020 on transfer from the Court of Ld. ADJ-III, Barh.



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4. On 26/02/2009 charge for the offence punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** are framed, read over and explained to both accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.

5. Prosecution has examined altogether **two** witnesses and has not produced any documentary evidences.

Oral evidences

P.W.1	:	Mohan Sharma
P.W.2	:	Arvind Rai

Documentary evidences :

Exhibit No.	Details
Exhibit-1/P.W.1	Signature of P.W-1 (Mohan Sharma) on <i>ferdbyan</i>
Exhibit-1/1/P.W.2	Signature of informant on <i>ferdbyan</i>

6. On 26/05/2026, above named accused persons have been examined u/s 313 Cr.P.C. in which, they pleaded their innocence. Defence has not produced any oral or documentary evidence in his defence.

7. Now, the question for determination before the Court is, "*whether the prosecution has been able to prove the charge framed & explained to above named both accused person beyond reasonable doubt ?*"

F I N D I N G S

8. On perusal of the documents available on the record, it transpires that informant in his *ferdbyan* dated 17/10/2000 informant **Ram Nandan Ray** in brief is that; on 17/10/2000 at 06:00 PM near house of Jhauri Mochi, Ram Tahal Ray, *brother-in-law* of Raju Ray armed with pistol surrounded him. *Brother-in-law* of Raju Ray fired a bullet, which hit his shoulder. The main reason for occurrence was previous enmity with accused persons.

9. Prosecution in support of its case as adduced & examined altogether two witnesses.



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(a) **P.W. 1 Mohan Sharma** during his *examination-in-chief* before the Court stated that this occurrence is of 10 years ago at 06:00 PM. He heard the sound of firing and came to know that Ramnandan Yadav sustain bullet injury in rib cage. Ramnandan has told that Sanjay has fired bullet on him on the direction of one person. He further stated that Police has recorded statement of Ramnandan on which Ramnandan and he has put signature. On identification his signature on *ferdbyan* has been Marked as **Exhibit- 01/P.W.1**. Today no accused persons are present in the Court. He claims to identified accused Dwarika. During *cross-examination* by defence he stated that passerby people told him one person has sustained bullet shot injury. He further stated that Police has taken his signature on *ferdbyan*.



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(b) **P.W. 2 Arvind Rai** during his *examination-in-chief* before the Court stated that this occurrence is of 17/10/2000 at 06:00 PM. His father was going to Vidhipur Chowk to take tea. After some time, he got information that his father has been shot by Ram Tahal Rai, Sanjay Rai Dwarika Rai. His father had told him that Ram Tahal Rai, Sanjay Rai have shot him on the orders of Dwarika Rai. His father got bullet injury on the left side of Thigh & waist near the hip. Ram Tahal Rai and Sanjay Rai were carrying pistols. His father was taken to Bakhtiyarpur for treatment. Statement of his father was recorded at the Government Hospital. Treatment of his father was also done at PMCH, Patna. Police has recorded his statement. On identification, signature of Ramnandan Ray, on *ferdbyan* has been marked as **Exhibit-01/01/P.W.02**. He recognized the accused

persons. During *cross-examination* by defence he stated that at 06:00 PM, he got information about the occurrence and heard sound of two bullets. His father was already taken to Bakhtiyarpur by Mohan Singh before he reached at the place of occurrence. He further stated that he has told Police that Ram Tahal Ray & Sanjay Ray have shot his father. His father has told him about Ram Tahal Ray, Dwarika Ray & Sanjay Ray. He denied the suggestion that his father got injury during committing *dacoity*.

10. During argument, Ld. Defence Lawyer, submitted that both prosecution witnesses including son of victim/informant of this case have not supported the prosecution case. Informant and I/O & M/O of this case have not been examined. Hence, prosecution failed to prove the charges explained to above named accused persons. Therefore, they are eligible for acquittal in this case. Prosecution during argument submitted that both the prosecution witnesses have supported the version of FIR, hence accused persons should be convicted.



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11. **P.W. 1** during his *examination-in-chief* before the Court stated that he heard the sound of firing and came to know that Ram Nandan Yadav sustain bullet injury in rib cage. Ram Nandan has told that Sanjay has fired bullet on him on the direction of one person. During *cross-examination* he stated that passerby people told him one person has sustained bullet shot injury. This witness has not seen the occurrence and he is a hearsay witness. **P.W. 2** during his *examination-in-chief* before the Court stated that he got information that his father has been shot by Ram Tahal Rai, Sanjay Rai Dwarika Rai. During *cross-examination* by

defence he stated that he got information about the occurrence and heard sound of two bullets. His father was already taken to Bakhtiyarpur by Mohan Singh before he reached at the place of occurrence. From evidence it is clear that he has only heard about the occurrence and have not seen occurrence with his own eyes. In the FIR, it has been mentioned that brother-in-law of Sanjay Ray has shot, whereas, P.W. 02 has stated that Ram Tahal Ray and Sanjay Ray have shot his father. There is difference in the version of P.W. 02 with FIR. Fact of previous enmity has also come in the statement of witnesses. Despite giving ample opportunities prosecution failed to produce informant, Investigating Officer & Medical Officer of this case and no reason has been assigned for the same. Both the prosecution witnesses have not supported the prosecution case. All this creates doubt about prosecution case. Moreover, there is no incriminating evidence is available on the record, against above named accused persons proved the charge of offences punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act.**



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12. Considering the entire facts & circumstances, evidences and other material available on record, submissions made by both side and discussion made above, this Court **find** that prosecution has failed to prove charges for offences punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** explained to above named all two accused persons, beyond reasonable doubt. Accordingly, this Court **hold** that all two accused persons *namely*, **Ram Tahal Ray & Dwarika Ray** are not guilty of the offences as charged against them and they should be acquitted in the interest of justice.

O R D E R

13. *In result, both* accused persons *namely, Ram Tahal Ray & Dwarika Ray* are **acquitted** from the charges of offenses punishable **u/s 307, 324 r/w 34 IPC & 27 Arms Act** after giving benefits of doubt, due to lack of evidence. Since, they are already on bail, hence liabilities of their bailors are extended for **Six months** from today, in the light of the provisions of Section 437-A Cr.PC.

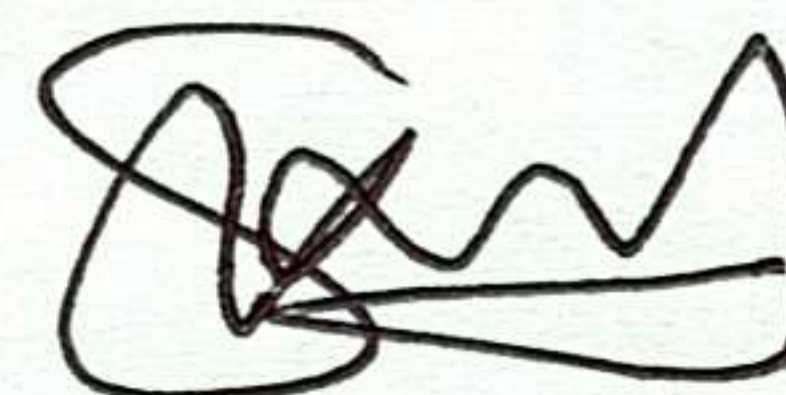
Typed & Corrected by me.

*Pronounced in the Open Court
on this 27th Day of July, 2026*



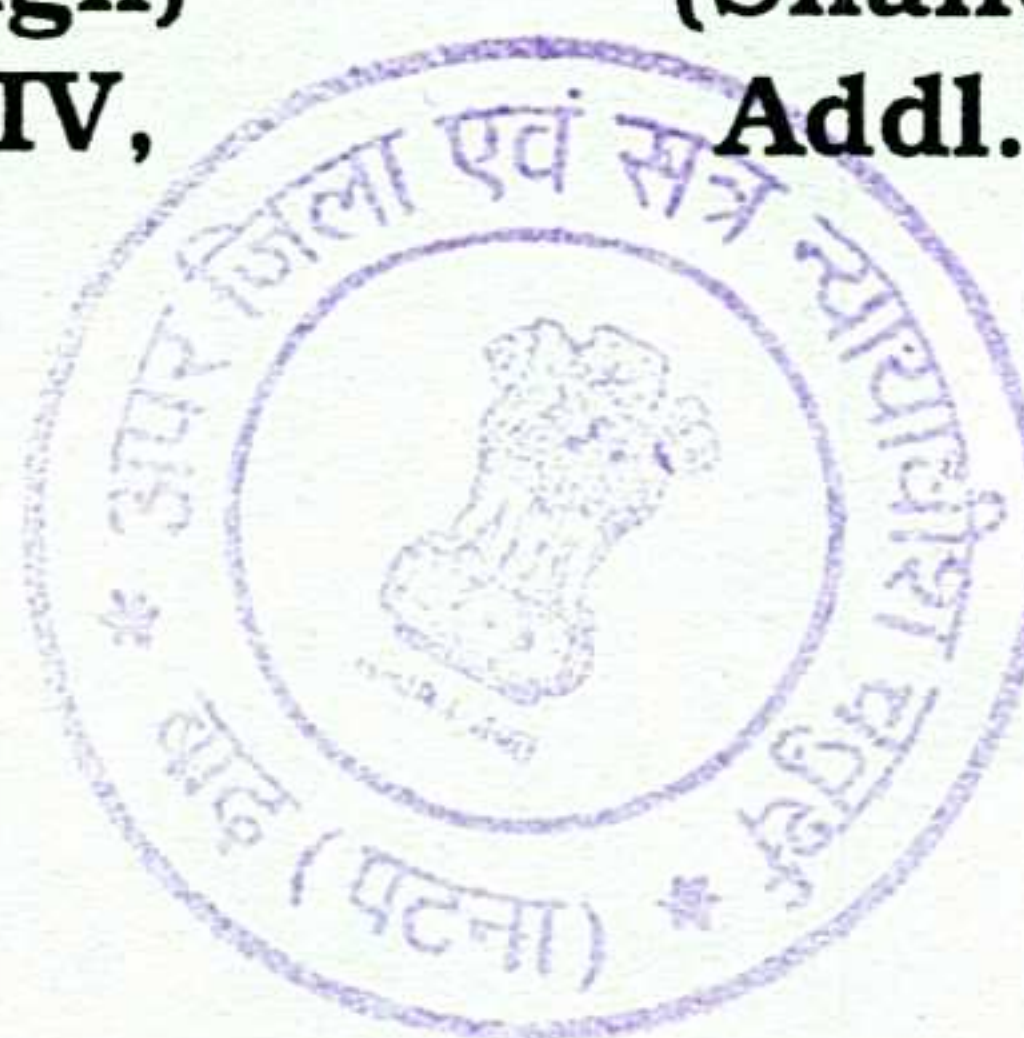
27/7/2026

(Shailendra Kumar Singh)
Addl. Sessions Judge-IV,
Barh (Patna)



27/7/2026

(Shailendra Kumar Singh)
Addl. Sessions Judge-IV,
Barh (Patna)



Form-C

**LIST OF PROSECUTION/DEFENCE/
COURT WITNESSES**

A. PROSECUTION WITNESS

RANK	NAME	NATURE OF EVIDENCE
P.W.1	Mohan Sharma	Hearsay Witness
P.W.2	Arvind Rai	Hearsay Witness

B. DEFENCE WITNESSES, IF ANY : **None**

C. COURT WITNESSES, IF ANY : **None**

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION :

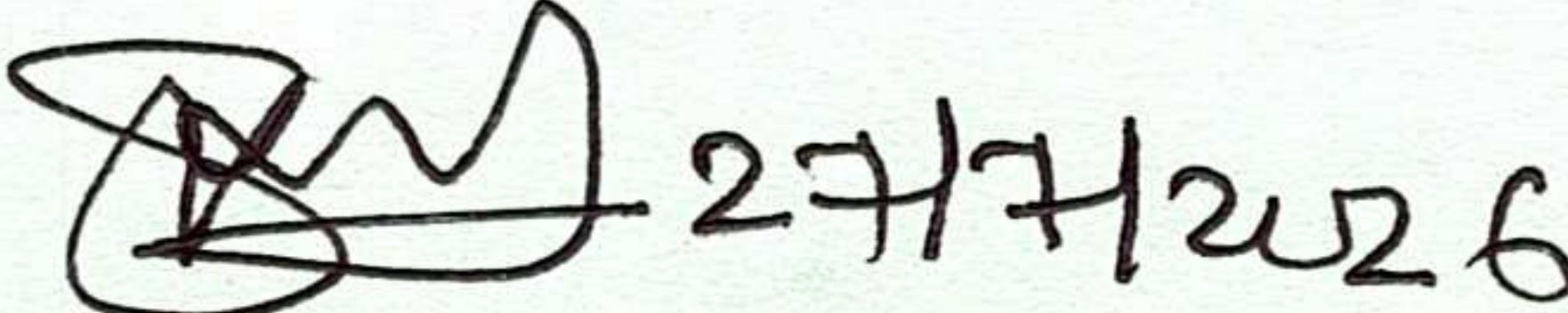
Sl. No.	Exhibit Number	Proved by/Attested By
Exhibit-1/ P.W.1	Signature of P.W-1 (Mohan Sharma) on <i>ferdbyan</i>	P.W. 01
Exhibit- 1/1 /P.W.2	Signature of informant on <i>ferdbyan</i>	P.W. 02

B. DEFENCE : **None**

C. COURT EXHIBITS : **None**

D. MATERIAL OBJECTS : **None**

Dated : 27/07/2026


(Shailendra Kumar Singh)
Addl. Sessions Judge-IV,
Barh (Patna)

Date of Judgment	27-07-2026
Date of Reserving Judgment	27-07-2026
Uploading date	27-07-2026
Uploaded by	Shambhu Pr. Singh