

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - IV DISTRICT - SHEOHAR Present - Aditya Pandey, District & Additional Sessions Judge Date of Judgement - 15.07.2026 Sessions Trial No. 142 / 2017 CNR No. BRSO-01-000486 - 2017 <i>(Arising out of Piprahi P.S. Case No. 119/2017 U/s. 307/34, 120B I.P.C. & 27 Arms Act)</i>	
PROSECUTION	State (through Vikas Kumar Singh)
REPRESENTED BY	Sri Pawan Kumar Mishra Additional Public Prosecutor, Sheohar
ACCUSED PERSON	Vijay Ram, S/o- Kapal Ram R/o Village – Shankarpur Bindhi, P.S. Piprahi, District-Sheohar
REPRESENTED BY	Sri Yogendra Sah, Advocate.

FORM B

DATE OF OFFENCE	21.08.2017
DATE OF F.I.R.	21.08.2017
DATE OF CHARGE-SHEET	18.10.2017
DATE OF FRAMING OF CHARGE	02.04.2018
DATE OF COMMENCEMENT OF EVIDENCE	24.06.2025
DATE ON WHICH JUDGMENT IS RESERVED	15.07.2026
DATE OF JUDGMENT	23.06.2026
DATE OF SENTENCING ORDER, IF ANY	-

ACCUSED DETAILS

Rank of Accused	Name of Accused	Date of Arrest	Date of release on Bail	Offence charged With	Whether acquitted or convicted	Sentence Imposed	Period of Detention undergone during trial for purpose of S. 428 Cr.P.C
1.	Vijay Ram	-	-	Section 307/34, 120B I.P.C. & 27 Arms Act	Acquitted	-	-

FORM C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

1. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.1	Sunita Sinha	MATERIAL WITNESS
P.W.2	Sushila Devi	HOSTILE WITNESS
P.W.3	Prempushp Kumar	HOSTILE WITNESS
P.W.4	Vikas Kumar Singh	MATERIAL WITNESS/INFORMANT
P.W.5	Sujit Kumar	OFFICIAL WITNESS / I.O.

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	-	-

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W.1	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

1. Prosecution:

SERIAL NO.	EXHIBIT NO.	DESCRIPTION
1	P.1/P.W.1	Signature of P.W.1 on <i>fardbeyan</i>
2	P.1/1/P.W.4	Signature of P.W.4 on <i>fardbeyan</i>
3	P.2/P.W.5	Formal F.I.R. in handwriting and signature of P.W.5
4	P.3/P.W.5	Endorsement on Formal F.I.R. in handwriting and signature of P.W.5
5	P.4/P.W.5	Arrest Memo in handwriting and signature of P.W.5
6	P.5/P.W.5	Charge-sheet in handwriting and signature of P.W.5

2. Defence:

SERIAL NO.	EXHIBIT NO.	DESCRIPTION
1	-	-

3. Court Exhibits:

SERIAL NO.	EXHIBIT NO.	DESCRIPTION
1	-	-

4. Material Exhibits:

SERIAL NO.	EXHIBIT NO.	DESCRIPTION
1	-	-

J U D G E M E N T

1. The sole accused namely, Vijay Ram is facing trial on charges under section 307/34, 120B of the Indian Penal Code and section 27 of Arms Act for conspiring with other co-accused to murder him and firing gun-shots at the informant with illegal fire-arms in an attempt to murder him on 21.08.2017 at 7:30 AM near his spare part and service shop in village-Dhantaul, P.S. Piprahi, District – Sheohar.
2. The prosecution's case is based upon *fardbeyan* of informant Vikas Kumar singh in which it is stated that at about 7:30 AM on 21.08.2017, when he was sitting at his Servicing Centre at Dhankaul, two motorcycle borne persons who had covered their faces came and started firing bullets at him, and he fell down at the sound of gun-shots. It is further stated that as he started to run he was hit on his left arm by a bullet and then on his back by second bullet, after which he fell and became unconscious.
3. Based upon the *fardbeyan*, Piprahi P.S. Case No. 119/2017 dated - 21.08.2017 was registered against all the three persons under section 307/34, 120B of I.P.C. and 27 Arms Act. After investigation, charge-sheet no. 140/2017 dated - 18.10.2017 was filed under section 307/34, 120B of I.P.C. and 27 Arms Act against Vijay Ram while investigation continued against the other accused.
4. The learned Magistrate took cognizance in the case on 31.10.2017 against the accused namely, Vijay Ram under section 307/34, 120B of I.P.C. and 27 Arms Act and the case being triable exclusively by the Court of Session was committed on 05.12.2017.
5. The charges were framed against the above-named accused on 02.04.2018 under section 307/34, 120B of I.P.C. and 27 Arms Act. The charges were read over and explained to the accused in Hindi to which they pleaded not guilty and claimed to be tried.
6. The case was transferred in the course of trial and received in this Court on 13.05.2026.

7. The statements of accused was recorded on 15.07.2026 under section 313 of Cr.P.C. in which he has denied evidence against him, and claimed to be innocent.
8. Now the question before this Court to determine is whether the prosecution has proved the charges against the accused person beyond all reasonable doubts.

FINDINGS

9. The prosecution has produced altogether five witnesses viz.

1. Sunita Sinha (P.W.1) – Informant's mother
2. Sushila Devi (P.W.2) – Informant's neighbour
3. Prempusp Kumar (P.W.3) – Informant's wife
4. Vikas Kumar Singh (P.W.4) - Informant
5. Sunjit Kumar (P.W.5) – Investigating Officer

and documentary evidence viz.

Ext - P.1/P.W.1 - signature of P.W.1 on *fardbeyan*

Ext – P.1/1 /P.W.4 - signature of P.W.1 on *fardbeyan*

Ext - P.2/P.W.5 - formal F.I.R. in P.W.5's handwriting and signature

Ext - P.3/P.W.5 - endorsement made on the *fardbeyan*, in P.W.5's handwriting and signature

Ext - P.4/P.W.5 - Arrest Memo in P.W.5's handwriting and signature

Ext - P.5/P.W.5 - Chargesheet in P.W.5's handwriting and signature

to prove its case. The defence has produced neither oral nor documentary evidence to disprove the prosecution's case.

Prosecution Evidence

10. P.W.1 has stated in her examination in chief that the occurrence took place about 7:30 AM on 21.08.2017, when she was at her house and she heard sound of gun-shot. P.W.1 has further stated that she came out and saw the accused firing bullets which hit her son Vikas Kumar, and when the shot was fired again, he ran towards his house. He was later taken to hospital for treatment. P.W.1 has identified her signature on the *farbeyan* – marked as Ext -P.1/P.W.1. In her cross-examination, P.W.1 has admitted that the when she came out there was a huge crowd and she could not see who had fired bullets at her son. P.W.1 has also admitted that the case was compromised with the accused, and that she had made her statement according to what was told to her by others. P.W.1 has also admitted that she had never seen the accused present in the Court earlier on.

11. P.W.4 has stated in his examination in chief that the occurrence took place about 7:30 AM on 21.08.2017, when he was sitting at his Servicing Centre at Dhankaul. Two motorcycle borne persons who had covered their faces started firing bullets at him, and he fell down at the sound of gun-shots. P.W.4 has further stated that as he started to run he was hit on his left arm by a bullet and then on his back by second bullet, after which he fell and became unconscious. He was taken to hospital for treatment. P.W.4 has identified his signature on the *fardbeyan*, which has been marked as Ext P.1/1 / P.W.4 but did not identify the accused person present in the Court.
12. In his cross examination, P.W.4 has admitted that he had seen the accused for the first time before the Court and that he had put his signature on the *fardbeyan* without reading it or knowing about its contents. P.W.4 has also admitted that someone had told him about the name of accused and that he had voluntarily compromised the case with the accused.
13. Both P.W.1 and P.W.3 have similarly stated in their respective examinations in chief that they were not aware of the occurrence and that their statements were not recorded during the investigation. Both of them were declared **hostile** at the request of the prosecution. In their respective cross examinations, both the witnesses have expressed inability to identify the accused in the Court but denied the suggestion that they had withheld true information and falsely deposed before the Court, in collusion with the accused.
14. P.W.5 is the investigating officer of the case who has stated in his examination-in-chief that on 21.08.2017 he was posted as S.H.O. at P.S. Sheohar and on the same day he had prepared the formal F.I.R. in Piprahi P.S. Case No.119/2017, and identified his handwriting and signature thereon, which has been marked as Ext – P.2/P.W.5. P.W.5 has further stated that he had made endorsement on the *fardbeyan* of the informant and identified his handwriting and signature on it, which has been marked as Ext – P.3/P.W.5.. P.W.5 has further stated that on that day, he assumed charge of the investigation and recorded the statement of the informant and inspected the place of occurrence and recorded the statements of the witnesses. P.W.5 has

further stated that on 22.08.2017 he arrested the accused in the presence of two independent witnesses and prepared the arrest memo on which he has identified his handwriting and signature which has been marked as Ext – P.4/P.W.5. After conclusion of investigation, he proceeded to file charge-sheet no. 140/2017 dated – 18.10.2017 under section 307/24, 120B I.P.C. and 27 Arms Act against accused Vijay Ram. P.W.5 has identified his handwriting as also his signature on the charge-sheet which has been marked as Ext–P.5/P.W.5. In his cross-examination, P.W.9 has denied the suggestion that the investigation was faulty.

Appreciation of Evidence

15. Now, it is pertinent to further examine the prosecution evidence in order to determine their probative value and whether the ingredients of the charged offences are proved. P.W.4 is the informant and victim of the occurrence, hence principal witness in this case. He has clearly stated the date, time and place of occurrence and also clearly described that he was shot by two motorcycle borne persons and hit by bullets on his left arm and back. The witness notably has stated that the assailants had covered their faces, and admitted his inability to identify the accused in the Court as assailant. The contents of *fardbeyan* has not also been proved by P.W.4. The witness has been cross-examined and there is no fact or circumstance brought out during the cross-examination which may adversely affect his credibility and reliability.
16. P.W.1 who is the mother of the victim has been also called as eye-witness. She has accurately stated the date, time and place of occurrence, and narrated that she came out of the house upon hearing the sound of gun-shots and saw the victim getting shot at and injured. However, the witness has admitted that she was unable to see who had fired the bullets and also failed to identify the accused in the Court. No fact or circumstance has been brought out in the cross-examination which may adversely affect her reliability. P.W.2 and P.W.3 have been declared as hostile and their evidence is not relevant to prove any fact in issue. P.W.5 who is the investigating officer has duly proved his endorsement on the *fardbeyan* of the informant, the formal F.I.R., arrest memo and charge-sheet filed in this case against the accused.

17. In complete view of the material on record, it is clear that evidence of P.W.1 and P.W.4 tends to prove that on 21.08.2017 at about 7:30 AM, the informant who was sitting at his shop was shot with bullets by two motorcycle borne assailants and suffered injuries on his body. However, it has emerged that none of the two witnesses has identified the accused, or proved any fact which establishes the identity of the accused and attribute to him any role in the occurrence. There is no other concrete evidence on record in this regard.

ORDER

18. For the above reasons, I hold and pronounce the accused namely, Vijay Ram as not guilty of charges under section 307/34, 120B I.P.C. and 27 Arms Act, and **acquit** him therefrom. The accused is ordered to be set free at once. However, the bail-bonds of accused shall remain effective for six months next under section 437A Cr.P.C. after which the bailors shall be deemed to be discharged from sureties and liabilities of bail-bonds.
19. Let a copy of the judgment be forwarded to District Magistrate, Sheohar for information and needful.

The Judgement was dictated
and corrected by me and
pronounced in open Court

Sd/-

(Aditya Pandey)

Additional Sessions Judge - IV

District – Sheohar

Date – 15.07.2026

Sd/-

(Aditya Pandey)

Additional Sessions Judge - IV

District - Sheohar

Date – 15.07.2026