

In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar**Sessions Trial No. -146/2023****(Purnahiya PS Case No.-150/2020)****CNR No. -BRS001-003832-2023****State Vrs. Amrendra Kumar Jha & Anrs.**

FORM-A

In the Court of Principal Sessions Judge, Sheohar Present:- Sri Deepak Kumar, Principal Sessions Judge, Sheohar, <u>STr No.-146/2023</u> <u>(Purnahiya PS Case No.-150/2020)</u> <u>GR No.-1352/2020</u> <u>CNR No. -BRS001-003832-2023</u> State Vrs. Amrendra Kumar Jha & Anrs. Offence:- U/s-302/34, 307/34, 120(B) of I.P.C. & 27 of Arms Act. (Date of Judgment:-30-04-2026)	
COMPLAINANT/INFORMANT	Satyanarayan Singh, S/o Late Yamuna Singh, R/o village– Nayagaon, PS-Shyampur Bhataha, District–Sheohar.
ACCUSED	1. Amrendra Kumar Jha @ Mintu Jha, S/o Shivrath Jha, Aged-about 37 years, R/o village- Gajipur, PS-Shyampur Bhataha, District- Sheohar 2. Ramesh Shankar Pandey, S/o Late Ramchandra Pandey, Aged-about 55 years, R/o village-Mathurapur, PS-Fatehpur, District–Sheohar,
REPRESENTED BY COMPLAINANT/ INFORMANT	Sri Suresh Roy, Ld. Public Prosecutor
REPRESENTED BY ACCUSED PERSON	Sri Dharmendra Kumar Singh, Ld. Advocate

FORM-B

Date of Offence	24.10.2020
Date of F. I. R.	25.10.2020
Date of Charge sheet	Charge Sheet No.-148/2022, dated 31.07.2022
Date of Cognizance	16.11.2022
Date of Framing Charges	16.10.2023

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Date of Commencement of Evidence	25.06.2024
Date on which judgment is reserved	28.04.2026
Date of judgment	30.04.2026
Date of the Sentencing order, if any	NA

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence Charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention during Trial for purpose of section 428 of Cr.P.C.
01.	Amrendra Kumar Jha @ Mintu Jha	-	-	U/s-302/34, 307/34, 120(B) of I.P.C. & 27 of Arms Act	Acquitted		
02.	Ramesh Shankar Pandey	-	-				

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS-

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
01.	Satyanarayan Singh (Informant)	Prosecution Witness -01
02.	Nirbhay Kumar Singh	Prosecution Witness -02
03.	Bindeshwar Sah	Prosecution Witness -03
04.	Dinesh Prasad Sah	Prosecution Witness -04
05.	Anand Kumar	Prosecution Witness -05
06.	Chandan Mahto	Prosecution Witness -06
07.	Munna Kumar Gupta (I.O.)	Prosecution Witness -07
08.	Dr. Himanshu Shekhar	Prosecution Witness -08

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09.	Dr. Amarnath Yadav	Prosecution Witness -09
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B. DEFENCE WITNESS, if any ; -

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

C. COURT WITNESS, if any ; -NIL

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

LIST OF PROSECUTION/DEFENCE/COURTS EXHIBITS**A. PROSECUTION;-**

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit-P1/PW-1	Signature of witness Satyanarayan Singh on the typed application.
02.	Exhibit-P1/PW-7	Signature of witness Munna Kumar Gupta on Charge Sheet No. 148/2022 dated 31-07-2022.
03.	Exhibit-P2/PW-7	Signature of witness Munna Kumar Gupta on Charge Sheet No. 148/2022 dated 31-07-2022.

B. DEFENCE ;

Sl. No.	EXHIBIT NUMBER	DESCRIPTION
-	-	-

C. COURT EXHIBITS ; NIL

Sl. No.	EXHIBIT NUMBER	DESCRIPTION
-	-	-

D. MATERIAL OBJECTS ;

Sl. No.	MATERIAL OBJECT NUMBER	DESCRIPTION
-	-	-

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Present: Deepak Kumar
Principal Sessions Judge,
Sheohar

Sheohar Dated-30th April, 2026.

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State

Vrs.

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Charge framed under Section-
302/34, 307/34, 120(B) of the
Indian Penal Code (IPC) & 27 of
Arms Act.

Learned Lawyer for the State:- Sri Suresh Roy, Ld. P.P.

Learned Lawyer for the defence:- Sri Dharmendra Kumar Singh,

JUDGMENT

1. In the present case, total two accused persons, namely, (1) Amrendra Kumar Jha @ Mintu Jha and (2) Ramesh Shankar Pandey, have been put on trial for offence punishable under Sections 302/34, 307/34, 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

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2. The prosecution case in brief is that the informant's younger brother, Shri Shrinayaran Singh, who was a candidate of the Janata Dal (Rashtravadi Party) from the Sheohar Assembly Constituency in the year 2020 elections, was engaged in election campaigning and was visiting various villages in that connection. On 24.10.2020, at about 7:00 AM, the former Mukhiya of Purnahiya block, Pankaj Mahto, came to the house of the informant and started pressurising him to come to village Hathisar for election campaigning. He repeatedly made phone calls insisting to come to Hathisar. Due to such pressure, without any prior planning, the informant along with his brother Shrinayaran Singh and their supporters namely Chandan Mahto, Nirbhay Kumar Singh and others proceeded to village Hathisar. Upon reaching there, they found that Pankaj Mahto was not present. Thereafter, along with local villagers and supporters, they started door-to-door campaigning in the village. At about 6:45 PM, while they were moving around the village Hathisar with their supporters, two miscreants who had mingled in the crowd of supporters suddenly opened indiscriminate fire upon them. As a result, the informant's younger brother Shrinayaran Singh and local villagers Santosh Mahto,

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Alok Ranjan, and Abhay Singh sustained grievous injuries. While fleeing after firing, two accused persons were apprehended in injured condition by the supporters and local villagers. Out of them, one disclosed his name as Gaurishankar Maharaj @ Kishan Jha, and the other disclosed his name as Neeraj Pathak. They also revealed the name of their absconding associate as Babu Saheb Jha. The injured Shrinarayan Singh was immediately taken by the supporters to Sadar Hospital, Sheohar, from where the doctors referred him to Sitamarhi for better treatment. The other injured persons were also taken by villagers to Sitamarhi hospital for treatment. During the course of treatment, the informant's younger brother Shrinarayan Singh and local villager Santosh Mahto succumbed to their injuries. The informant further alleged that he has full belief that Vikas Jha @ Kaliya, in conspiracy with others, got his younger brother murdered through the arrested assailants and their associates of village Hathisar, as he had earlier also threatened his brother on several occasions.

3. On the basis of the written report, Purnahiya PS Case No. 150/2020, dated 25.10.2020 was registered under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. After completion of the investigation, the Investigating Officer, under

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the order of the superior officer, submitted supplementary charge-sheet bearing No. 148/2022, dated 31.07.2022 against two named accused persons, namely (1) Mintu Jha @ Amrendra Jha, (2) Ramesh Shankar Pandey, and one additional accused, (3) Vishal Jha @ Raja, under Sections 302, 307, 120(B)/34 IPC and Section 27 of the Arms Act before the Court. Thereafter, the learned Sub-Divisional Judicial Magistrate, Sheohar, upon perusal of the charge-sheet and the case diary, by order dated 16.11.2022, found prima facie case being made out against the aforesaid three accused persons, namely Mintu Jha @ Amrendra Jha, Ramesh Shankar Pandey, and Vishal Jha @ Raja, under Sections 302, 307, 120(B)/34 IPC and Section 27 of the Arms Act. The relevant portion of the said order is that "the Investigating Officer has submitted a supplementary charge-sheet along with the case diary in this case under Sections 302, 307, 120(B)/34 IPC and Section 27 of the Arms Act, wherein in paragraph 11 of the supplementary charge-sheet, the accused Vishal Jha @ Raja, Mintu Jha @ Amrendra Jha, and Ramesh Shankar Pandey have been sent up for trial. The learned Assistant Public Prosecutor was heard on the point of cognizance and the case record was perused. Upon perusal of the record, it appears that in the present case, the FIR-named accused

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persons—Pankaj Mahto, Gaurishankar Maharaj, Neeraj Pathak, Babu Saheb Jha, and Vikas Jha were earlier charge-sheet under Sections 302, 307, 120(B)/34 IPC and Section 27 of the Arms Act. From the entire case record and case diary, it further appears that cognizance of the offence had already been taken on 10.02.2021 against co-accused Pankaj Kumar @ Pankaj Mahto, Neeraj Pathak @ Chinese, Vikas Jha @ Kaliya, Krishna Kumar Jha @ Babu Saheb, Purushottam Kumar, Rampravesh Rai, Rajeev Thakur, and Santosh Kumar. Again, upon perusal of the entire record and case diary, it transpires that in paragraph 11 of the supplementary charge-sheet, sufficient materials exist for proceeding further against the newly named accused persons. Almost all witnesses have supported the occurrence in their respective statements. Accordingly, a prima facie case is made out against the accused Vishal Jha @ Raja, Mintu Jha @ Amrendra Jha, and Ramesh Shankar Pandey under the aforesaid sections, and the record is kept for further proceedings and issuance of process."

Further, in the present sessions trial, in view of the facts recorded in the order dated 27.09.2023, since one of the three accused persons, namely Vishal Jha @ Raja, remained continuously absent his case was separated from the present trial. Consequently, the records

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relating to the remaining two accused persons, namely Mintu Jha @ Amrendra Jha and Ramesh Shankar Pandey, were directed to be committed to the Court of the learned District and Sessions Judge for trial.

04. In this case, charges were framed on 16.10.2023 against both the accused persons, namely, (1) Mintu Jha @ Amrendra Jha and (2) Ramesh Shankar Pandey, under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. The contents of the charges were read over and explained to them in Hindi, to which they pleaded not guilty and claimed to be tried.

05. Thereafter, the statements of both the aforesaid accused persons, namely, (1) Mintu Jha @ Amrendra Jha and (2) Ramesh Shankar Pandey, were recorded on 06.02.2025 under Section 313 of the Code of Criminal Procedure. In their statements, both the accused denied the occurrence and claimed to be tried.

06. The main issue for consideration before the court is whether the prosecution has been successful in proving all the charges framed against both the accused beyond reasonable doubt with reliable evidence or not.

07. On behalf of the prosecution, in support of its case, out of the

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total nine witnesses mentioned in Column No. 13 of the charge sheet, statements of nine witnesses have been recorded. These include PW-01, Satyanarayan Singh (informant, hostile witness), PW-02, Nirbhay Kumar Singh (hostile witness), PW-03, Bindeshwar Sah (hostile witness), PW-04, Dinesh Prasad Sah (hostile witness), PW-05, Anand Kumar (hostile witness), PW-06, Chandan Mahto (hostile witness), PW-07, Munna Kumar Gupta (I.O.), PW-08, Dr. Himanshu Shekhar and PW.-09, Dr. Amarnath Yadav.

08. In order to prove its case, the prosecution has exhibited the following documents, which are marked as under:

A. PROSECUTION:-

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit-P1/PW-1	Signature of witness Satyanarayan Singh on the application.
02.	Exhibit-P1/PW-7	Signature of witness Munna Kumar Gupta on Charge-sheet No. 148/2022 dated 31-07-2022.
03.	Exhibit-P2/PW-7	Signature of witness Munna Kumar Gupta on Charge-sheet No. 148/2022 dated 31-07-2022.

No oral or documentary evidence has been produced from defence side.

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09. PW-1 – Satyanarayan Singh, has stated that the occurrence took place on 24.10.2020. His own brother, Shri Shrinarayan Singh, was a candidate for the post of MLA from the Sheohar Assembly Constituency on the ticket of the Janata Dal (Nationalist). On the date of occurrence, as per the scheduled programme, his brother was to carry out election campaigning in Purnahiya Block, whereas he himself was engaged in campaigning in Piprahi Block. At about 6:00 PM, while he was campaigning in village Singarahiya under Piprahi Block, he received a phone call at about 7:00 PM from a villager who had accompanied his brother for election campaigning, informing him that Mukhiya ji has been shot. Upon inquiring about the place of occurrence, he was informed that the incident took place in village Hathasar. The witness instructed the caller to immediately take his brother to Dr. Varun Kumar at Sitamarhi via Basantpatti and stated that he was also proceeding there. He then rushed towards Basantpatti via Piprahi. Near Sonaul High School, he saw his brother's vehicle approaching from the opposite direction. He turned his vehicle around and followed it to Sheohar Sadar Hospital, where doctors started treatment. However, considering his critical condition he was immediately referred to Dr. Varun Kumar at Sitamarhi. He along with

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others, took his brother in an ambulance to Sitamarhi. After about half an hour, the doctor informed him that his brother could not be saved. Thereafter, the dead body was sent to Sitamarhi Sadar Hospital where post-mortem was conducted. Cremation was conducted the next morning at about 7:00 AM. After the cremation, while the witness was at home with his grieving family, three police officers arrived at his residence around 3–4 PM and informed him that a senior officer had called him urgently to Sheohar. He accompanied them in their vehicle to Sheohar, where he was made to sit on a platform in front of Gandhi Bhawan. One police officer stayed with him while the other two went outside. After about half an hour, they returned with a typed document and asked him to sign it immediately. When he attempted to read it, they stated that there was no time and insisted to sign quickly. Upon his refusal, they scolded him and forcibly obtained his signature without allowing him to read the document. Thereafter, the same officers dropped him back at his village. He further states that the Investigating Officer did not record his statement. At the request of prosecution, this witness was declared hostile.

In cross-Examination, the witness stated that it is incorrect that he had stated in the application that on 24.10.2020 at about 7:00 PM,

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former Mukhiya Pankaj Mahto of Purnahiya Block had come to his house at Nayagaon and pressured them to come to Hathasar for election campaigning. He further denied that Pankaj Mahto repeatedly called on the phone forcing them to come to Hathasar, due to which, without prior planning, he and his brother, along with villagers Chandan Mahto, Nirbhay Kumar Singh and other supporters, proceeded to village Hathasar. He further denied that upon reaching Hathasar, Pankaj Mahto was not present there, and that they started campaigning door-to-door with local villagers. He denied that at about 6:45 PM, while moving in the village with supporters, two criminals among the crowd opened indiscriminate fire, resulting in grievous injuries to his younger brother Shrinarayan Singh and local villagers Santosh Mahto, Alok Ranjan, and Abhay Singh. He also denied that two of the assailants were apprehended in injured condition by local people while fleeing, who disclosed their names as Gaurishankar Maharaj @ Kishan Jha and Neeraj Pathak, and that another accomplice who escaped was named Babu Saheb Jha. He denied that Shrinarayan Singh and Santosh Mahto died during treatment.

In cross-examination by defence, the witness stated that the distance between Sheohar and his village is approximately 9 kilometers.

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10. PW-02 – Nirbhay Kumar Singh, has stated that he does not know anything about the occurrence. He further stated that the Investigating Officer had not recorded his statement. On the request of the prosecution, this witness was declared hostile.

In cross-examination conducted on behalf of the defence, the witness stated that his house is situated at a distance of about 10 kilometers from Sheohar.

11. PW-03 – Bindeshwar Sah, has stated that he has no knowledge regarding the occurrence. He further stated that the Investigating Officer did not record his statement. On the request of the prosecution, this witness was declared hostile.

In cross-examination by the defence, the witness stated that he has come to depose voluntarily.

12. PW-04 – Dinesh Prasad Sah, has stated that he has no knowledge regarding the occurrence. He further stated that the Investigating Officer did not record his statement. On the request of the prosecution, this witness was declared hostile.

In cross-examination by the defence, the witness stated that the distance from his house to Sheohar is about 15 kilometers, and that he has come to depose voluntarily.

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13. PW-05 – Anand Kumar, has stated that he had no knowledge about the occurrence. He further stated that the Investigating Officer had not recorded his statement. On the request of the prosecution, this witness was declared hostile.

In cross-examination by the defence, the witness stated that he had come to depose voluntarily.

14. PW-06 – Chandan Mahto, has stated that he had no knowledge about the occurrence and that the Investigating Officer had not recorded his statement. On the request of the prosecution, this witness was also declared hostile.

In cross-examination by the defence, the witness stated that he was deposing voluntarily and that the distance from his house to Sheohar is about 10–12 kilometers.

15. PW-06 – Chandan Mahto, has stated that he had no knowledge about the occurrence and that the Investigating Officer had not recorded his statement. On the request of the prosecution, this witness was also declared hostile.

In cross-examination by the defence, the witness stated that he was deposing voluntarily and that the distance from his house to Sheohar is about 10–12 kilometers.

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16. PW-07 – Munna Kumar Gupta, has stated that on 24.10.2020, he was posted as the Officer-in-Charge of Purnahiya Police Station. He had himself taken up the investigation of Purnahiya P.S. Case No. 150/2020. The formal FIR, based on the written application, bears his handwriting and signature. The case was instituted on the basis of the written report submitted by the informant, Satyanarayan Singh. On 24.10.2020, he visited the alleged place of occurrence and conducted preliminary investigation. After registration of the case, he again inspected the place of occurrence. During the course of investigation, statements of witnesses were recorded. From the place of occurrence, a pistol was recovered from the possession of injured accused Neeraj Pathak @ Chinese, and an Android mobile phone was recovered from the possession of deceased Gaurishankar Jha. After postmortem examination, the dead body of the deceased Gaurishankar Jha was handed over to his family members. Accused Krishna Kumar Jha @ Babu Sahab and Purushottam Kumar were arrested along with the recovered weapon and ammunition, which were connected with the present occurrence. Finding the case to be true, charge-sheet No. 14/2021 dated 04.02.2021 was submitted against accused Neeraj Pathak @ Chinese @ Vikas Jha @ Kaliya, Krishna Kumar Jha @

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Babu Sahab, Pankaj Mahto, Rampravesh Rai, Rajiv Thakur, Santosh Kumar, and Purushottam Kumar under Sections 302, 120B, 307/34 of the Indian Penal Code and Section 27 of the Arms Act. The charge-sheet is in his handwriting and bears his signature. He further deposed that the seizure list, relating to recovery of one black Yamaha motorcycle bearing Registration No. BR-30H-6175 from the house of Rajiv Thakur, son of Satyanarayan Thakur, bears his signature. He recorded the criminal antecedents of accused Vikas Jha @ Kaliya, Neeraj Pathak, Purushottam Kumar, and Rampravesh Rai. Mobile numbers of the accused persons were obtained and their Call Detail Records (CDR) were analyzed, and findings were recorded in the case diary. The seized mobile phone was sent to FSL after obtaining court orders. Statements of witnesses Anil Kumar, Omkar Anand, and Jayashankar Singh were recorded. Supplementary charge-sheet No. 148/2022 dated 31.07.2022 was submitted against Mintu Jha @ Amrendra Jha, Vishal Jha @ Raja, and Ramesh Shankar Pandey under Sections 302, 307, 120B/34 IPC. The supplementary charge-sheet is in his handwriting.

In cross-examination, the witness stated that information about the occurrence was given by villagers, which was recorded as Sanha

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Entry No. 720/2020, but the said Sanha was not attached with the case diary. No written application was submitted by any villager at the place of occurrence. Blood found at the place of occurrence was neither seized nor documented in a seizure list. There is no mention of blood stains on the PCC road; rather, it is mentioned that blood had fallen on vacant land. No documents or pamphlets relating to the election candidature of the deceased were collected during investigation. No verification was done regarding the permit or security arrangement of the vehicle used in the election campaign. No effort to obtain CCTV footage from nearby areas is mentioned in the case diary. It was rural area, and there were no CCTV cameras installed nearby. No tower location or mobile tower data was mentioned in the case diary. No details of pending cases against the deceased or criminal antecedents of his supporters were verified. No incriminating articles were recovered from accused Mintu Jha @ Amrendra Jha and Ramesh Shankar Pandey. No mobile location of the said accused persons was found at or near the place of occurrence on the date of incident. No documentary evidence of conspiracy was found during investigation.

17. PW – 8 – Dr. Himanshu Shekhar, has stated that on 24.10.2020,

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he was posted as a Medical Officer at Sadar Hospital, Sitamarhi and same day postmortem examination was done on the dead body of Srinarayan Singh, at 10:45 PM at night in proper light by order of D.M. Sitamarhi and he were present as observer.

External Findings:-

1. Both eyes closed, mouth partially opened.

Following injuries present:-

1. Oval shaped lacerated wound with charred and inverted margin over right side of chest, size ½ inch diameter cavity deep (wound of entry)
2. Oval shaped lacerated wound everted margin over right side of back, size 1 inch diameter cavity deep (wound of exit)
3. Oval shaped lacerated wound over right side of buttock, size ½ inch diameter cavity deep with charred margin (wound of entry)
4. Oval shaped lacerated wound with everted margin over right thigh, size 1 inch diameter cavity deep (wound of exit)

Internal findings

1. On opening of skull-cranium intact, brain matter pale.
2. On opening of neck-no abnormality detected.
3. On opening of thorax-right thoracic cavity filled with blood and clot. The above mentioned external injury no.1 and 2 communicating each other. Left lung intact and pale, intact chambers empty.
4. On opening of abdominal cavity, all abdominal viscera intact and pale, stomach contained gastric juice only, urinary bladder partially filled. Injury no.3 & 4 communicating each other.

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2. Time elapsed since death and postmortem held within six hours.
3. In our opinion the cause of death was due to hemorrhage and shock leading to cardio respiratory failure as a result of above noted injuries cause by fire arm.

(Note:-D.M., Sitamarhi permission letter no. 3728 C. dated-24-10-2020)

4. This postmortem done and report prepared under my observation and written by Dr. Amarnath Yadav, M.O. Sitamarhi and bear his signature also.

5. On same day postmortem examination was done on the body of Santosh Kumar, at 11:15 P.M. at night in proper light by order of D.M., Sitamarhi and he was present as observer.

External findings:-

1. Both eyes closed mouth partially opened.

Following injuries present:-

1. Oval shaped lacerated wound with charred and inverted margin over left side of chest size, 1 inch diameter cavity deep (wound of entry)
2. Oval shaped lacerated wound with everted margin over left side of back, size 1 inch diameter cavity deep (wound of exit)

Internal findings:

1. On opening of skull-cranium intact, brain matter pale.
2. On opening neck-no abnormality detected.
3. On opening of thorax-left thoracic cavity filled with blood and clot. The above mentioned external injury no. 1 & 2 communicating each other. Right lung intact and pale, heart intact chambers empty.

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4. On opening of abdominal cavity, all abdominal viscera intact and pale, stomach contained gastric juice only, urinary bladder partially filled.

Injury no. 3 & 4 communicating each other.

5. Time elapsed since death and postmortem held within six hour.

6. In our opinion the cause of death was due to hemorrhage and shock leading to cardio respiratory failure as a result of above noted injuries cause by fire arm.

(Note:-D.M., Sitamarhi permission letter no. 3729 C. dated-24-10-2020)

8. This postmortem done and report prepared under his observation and written by Dr. Amarnath Yada, M.O. Sitamarhi and bear his signature also.

In cross-examination conducted on behalf of the accused, this witness stated that this postmortem report is not in his handwriting. He further stated that he did not conduct the postmortem examination. Generally, a postmortem report is prepared by a single medical officer. It is not the case that both postmortem reports are legally invalid.

18. PW – 9 – Dr. Amarnath Yadav, has stated that on 24.10.2020 he was posted as a Medical Officer at Sadar Hospital, Sitamarhi and same day postmortem examination was done of the dead body of Srinarayan Singh, at 10:45 P.M. at night in proper light by order of D.M. Sitamarhi and he was present as observer.

External Findings:-

1. Both eyes closed, mouth partially opened.

Following injuries present:-

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1. Oval shaped lacerated wound with charred and inverted margin over right side of chest, size ½ inch diameter cavity deep (wound of entry)
2. Oval shaped lacerated wound everted margin over right side of back, size, 1 inch diameter cavity deep (wound of exit)
3. Oval shaped lacerated wound over right side of buttock, size ½ inch diameter cavity deep with charred margin (wound of entry)
4. Oval shaped lacerated wound with everted margin over right thigh, size 1 inch diameter cavity deep (wound of exit)

Internal findings

1. On opening of skull-cranium intact, brain matter pale.
 2. On opening of neck-no abnormality detected.
 3. On opening of thorax-right thoracic cavity filled with blood and clot. The above mentioned external injury no.1 and 2 communicating each other. Left lung intact and pale, intact chambers empty.
 4. On opening of abdominal cavity, all abdominal viscera intact and pale, stomach contained gastric juice only, urinary bladder partially filled. Injury no.3 & 4 communicating each other.
2. Time elapsed since death and postmortem held within six hours.
3. In our opinion the cause of death was due to hemorrhage and shock leading to cardio respiratory failure as a result of above noted injuries cause by fire arm.

(Note:-D.M., Sitamarhi permission letter no. 3728 C. dated-24-10-2020)

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4. This postmortem done and report prepared under his observation and was written by Dr. Amarnath Yadav, M.O. Sitamarhi which bears his signature also.

5. On same day postmortem examination was done on the body of Santosh Kumar, at 11:15 P.M. at night in proper light by order of D.M., Sitamarhi and he was Postmortem Doctor.

External findings:-

1. Both eyes closed mouth partially opened.

Following injuries present:-

1. Oval shaped lacerated wound with charred and inverted margin over left side of chest size, 1 inch diameter cavity deep (wound of entry)

2. Oval shaped lacerated wound with everted margin over left side of back, size 1 inch diameter cavity deep (wound of exit)

Internal findings:-

1. On opening of skull-cranium intact, brain matter pale.

2. On opening neck-no abnormality detected.

3. On opening of thorax-left thoracic cavity filled with blood and clot.

The above mentioned external injury no. 1 & 2 communicating each other. Right lung intact and pale, heart intact chambers empty.

4. On opening of abdominal cavity, all abdominal viscera intact and pale, stomach contained gastric juice only, urinary bladder partially filled.

Injury no. 3 & 4 communicating each other.

5. Time elapsed since death and postmortem held with six hour.

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6. In our opinion the cause of death was due to hemorrhage and shock leading to cardio respiratory failure as a result of above noted injuries caused by fire arm.

(Note:-D.M., Sitamarhi permission letter no. 3729 C. dated-24-10-2020)

8. This postmortem done and report prepared by him, M.O. Sitamarhi and bears Dr. Himashu Shekhar signature as observer.

In cross-examination conducted by the defense, he has deposed that “who brought the dead body, his name and designation is not mentioned in the postmortem report. He did not prepare any identification memo of the deceased. No weapons related to the incident were shown to him by the police. It is not mentioned in the postmortem report whether the incident was caused by a single weapon or by different weapons. No videography of the postmortem was conducted. It is not correct to say that both the postmortems are legally defective.

19. After closure of prosecution evidence and statement of accused under Section 313 of Code of Criminal Procedure the case was fixed for defence evidence. Defence did not produce any evidence as such defence evidence was closed on 06.02.2026 and the case was fixed for argument. In examination under Section 313 of Code of Criminal Procedure on 06.02.2026, the accused has said that they have heard the evidence of witnesses and it is false to say that they were involved in occurrence on 24.10.2020. In defence they have said that they are innocent.

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FINDING

20. From the above mentioned evidence which has come on record during the course of trial now it is to be decided whether the accused have committed the offence and the prosecution has been able to prove its case against the accused beyond all reasonable doubt.

21. On behalf of the prosecution, the learned public prosecutor submitted that it is not in doubt that the deceased have been murdered. Acquittal of other co-accused persons does not mean that the present accused are also not guilty. After finding allegations to be true against them charge-sheet was filed and subsequently charge was framed.

22. In course of argument after conclusion of evidence, the learned counsel for the defense submitted that out of the total nine witnesses examined by the prosecution before the court, six witnesses namely, PW- 01, Satyanarayan Singh (informant and hostile witness); PW-02, Nirbhay Kumar Singh (hostile witness); PW-03, Bindeshwar Sah (hostile witness); PW-04, Dinesh Prasad Sah (hostile witness); PW-05, Anand Kumar (hostile witness); and PW-06, Chandan Mahto (hostile witness) were declared hostile by the prosecution, as they did not support the occurrence. Among the remaining witnesses, PW-07, Munna Kumar Gupta (investigating officer), PW-08, Dr. Himanshu Shekhar (medical witness), and PW-09, Dr. Amarnath Yadav (medical

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witness) were examined. Thus, it is argued that the prosecution has completely failed to prove the charges leveled against the accused persons. Therefore, it is prayed that both the accused be acquitted. He further submitted that in the same case, the other six co-accused persons, whose trial was conducted vide Sessions Trial No. 51/2021, were acquitted by the learned Additional District and Sessions Judge-III vide judgment dated 12.12.2023. The applicants stand on the same footing.

23. After hearing the arguments of both sides, and upon examining the materials available on record, the evidence, and the statements presented by the prosecution witnesses, it becomes evident that in the present case, out of a total of nine witnesses produced and examined by the prosecution before the court, six witnesses namely, PW- 01 – Satyanarayan Singh, PW- 02 – Nirbhay Kumar Singh, PW-03 – Bindeshwar Sah, P.W. 04 – Dinesh Prasad Sah, PW- 05 – Anand Kumar and PW- 06 – Chandan Mahto were declared hostile by the prosecution, as they did not support the occurrence in any manner. The informant (P.W. 01), while identifying his signature on the written application (marked Exhibit P-01/P.W.-01) during his examination-in-chief along with other facts, stated that the police officer (Investigating Officer) did not record his statement. During cross-

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examination, he further stated that he could not identify the material exhibits produced in court. Apart from this, the remaining five hostile witnesses also uniformly stated in their testimonies that they had no knowledge about the incident and that the police had not recorded their statements. Thus, the testimonies of all these six hostile witnesses lose evidentiary value. The remaining witnesses are P.W. 07 – Munna Kumar Gupta (Investigating Officer), P.W. 08 – Dr. Himanshu Shekhar (medical witness), and P.W. 09 – Dr. Amarnath Yadav (medical witness).

P.W.-07, Munna Kumar Gupta, who is the Investigating Officer of this case, identified his handwriting and signature on the formal FIR and on the endorsement made on the written application attached to it. He recovered a pistol from the possession of injured Neeraj Pathak @ Chinese (who has been acquitted in Sessions Trial No. 51/2021 by judgment dated 12.12.2023), recovered an Android mobile phone from the possession of the deceased Gaurishankar Jha, and after the post-mortem examination handed over the dead body of Gaurishankar Jha to his relatives. He further stated that he arrested Krishna Kumar Jha alias Babu Sahab (who was also acquitted in Sessions Trial No. 51/2021 by judgment dated 12.12.2023) and Purushottam Kumar along with the recovered weapons and cartridges.

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He submitted Charge-sheet No. 14/2021 dated 04.02.2021 against Neeraj Pathak alias Chinese @ Vikas Jha @ Kaliya, Krishna Kumar Jha @ Babu Sahab, Pankaj Mahto, Rampravesh Rai, Rajeev Thakur, Santosh Kumar, and Purushottam Kumar, and identified his handwriting and signature on the same. He also identified his signature on the seizure list. He further stated that the seized exhibits and mobile phones were sent to the Forensic Science Laboratory (FSL). He also recorded the statements of witnesses Anil Kumar, Omkar Anand, and Jayashankar Singh. He stated that against non-FIR accused Mintu Jha alias Amarendra Jha, Vishal, and Ramai Shankar Pandey, a supplementary charge-sheet No. 148/2022 dated 31.07.2022 was submitted under Sections 302, 307, 120B/34 of the Indian Penal Code, showing Vishal Jha @ Raja. In cross-examination, this witness admitted that the information regarding the incident had been given by villagers and entered as Sanha No. 720/2020, but that Sanha was not attached with the case diary. He admitted that no written application concerning the occurrence had been submitted by any villager or person at the place of occurrence. He also admitted that he had not recorded the statement of any person residing around the boundaries of the place of occurrence. He further admitted that on 24.10.2020 the blood found at the place of occurrence was not seized, no seizure list

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of the blood was prepared, and no sketch was made showing blood stains on the village PCC road. He further admitted that there was no mention in the case diary of any attempt to obtain CCTV footage installed around the place of occurrence. He also admitted that there was no mention in the case diary of any tower location at the place of occurrence. He stated that no mobile location of accused Mintu Jha @ Amrendra Jha and Ramesh Shankar Pandey (both accused in the present trial) was obtained.

P.W.-08, Dr. Himanshu Shekhar, who was present as an observer along with Dr. Amarnath Yadav (P.W.-09) at the time of the postmortem of the deceased Shrinath Singh and the deceased Santosh Kumar, stated that the cause of death was due to hemorrhage and shock leading to cardio respiratory failure as a result of noted injuries caused by fire arm.

P.W.-09, Dr. Amarnath Yadav, who conducted the post-mortem examinations of the deceased Srinarayan Singh and the deceased Santosh Kumar (in the presence of Dr. Himanshu Shekhar, P.W. 08, as an observer at the time of post-mortem), has proved the post-mortem report of deceased Srinarayan Singh. In his testimony, he stated regarding deceased Srinarayan Singh that the cause of death was hemorrhage and shock leading to cardio-respiratory failure as a result

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of the injuries noted, which were caused by a firearm. Likewise, regarding deceased Santosh Kumar, he stated that the cause of death was hemorrhage and shock leading to cardio-respiratory failure due to the injuries mentioned, caused by a firearm. During cross-examination, he stated that the name and designation of the person who brought the dead body were not mentioned in the post-mortem report, and he himself had not prepared the identification memo of the deceased. He further stated that no arms related to the incident were shown to him by the police. It was also not mentioned in the post-mortem report whether the incident was caused by a single weapon or multiple weapons. No videography of the post-mortem examination was conducted.

From the evidence of the prosecution witnesses examined in the present case, it appears that no prosecution witness has seen the occurrence with their own eyes, and among all the witnesses examined before the Court, none is an eyewitness to the incident. The death of the deceased was caused by a gunshot, and this fact is confirmed by the post-mortem report attached with the original record of Sessions Trial No. 51/2021 related to the present case, as well as from the testimonies of Prosecution Witness Nos. 08 and 09, who are both medical witnesses. However, during examination and cross-

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examination conducted by the prosecution, no witness has stated that they saw the person who fired the shot nor has any witness claimed to have directly seen the occurrence. PW- 07, who is the Investigating Officer of the present case, has clearly stated in his cross-examination that no incriminating material was recovered from the possession of the accused persons, namely Mintu Jha @ Amrendra Jha and Ramesh Shankar Pandey, in connection with this incident. On the date of the occurrence, no mobile location of the said accused persons was obtained from the place of occurrence or its surrounding areas, nor is there any documentary evidence or material on record indicating conspiracy.

From the perusal of the original record related to the present case, i.e., Sessions Trial No. 51/2021, and the materials and facts available therein, it is evident that six other accused persons connected with the same case—whose trial was conducted under the same Sessions Trial No. 51/2021—were acquitted by the then learned Additional District & Sessions Judge, III, Sheohar, by judgment dated 12.12.2023, due to lack of evidence.

On the basis of the above facts, circumstances, analyzed evidence, the nature of the case, and after examination and evaluation of the evidence available on record, I arrive at the conclusion that both

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the accused persons in the present case—(1) Mintu Jha @ Amrendra Jha and (2) Ramesh Shankar Pandey—have not committed the alleged incident. The prosecution has failed to prove the charges leveled against both the accused beyond all reasonable doubt. In such a situation, the accused persons are entitled to acquittal due to lack of evidence.

24. Therefore, both accused persons Mintu Jha @ Amrendra Jha, and Ramesh Shankar Pandey are hereby acquitted by the Court of the charges under Sections 302, 307, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act, due to lack of sufficient prosecution evidence. They, along with their sureties, are discharged from the liabilities of their bail bonds.

The judgment having been dictated, corrected and signed by me is pronounced in the open Court today on 30.04.2026.

Dictated and corrected by me.

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar

Dated: 30.04.2026

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar

Dated: 30.04.2026

Date of Judgment	30.04.2026
Date of Reserving Judgment	28.04.2026
Uploading Date	30.04.2026
Uploaded By	Sanjeev Kumar, (Steno)