

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

**FORM-A**

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE  
SITAMARHI, BIHAR**

**PRESENT: DINESH SHARMA, PD&SJ, SITAMARHI**

**DATE OF JUDGMENT: 13<sup>th</sup> March, 2026**

**Session Case No. 574 of 2024**

**[CIS (Reg.) No. 574 of 2024]**

**(Arising out of Runnisaipur PS Case No. 453/2023)**

PROSECUTION	STATE OF BIHAR [Through Punita Devi (Informant), W/o- Late Phul Shankar Jha, resident of Village- Prem Nagar, Ward No.13, P.S.- Garha, District- Sitamarhi].
REPRESENTED BY	Sri Prafulla Kumar Jha, Ld. P.P. I/c.
ACCUSED	Ankit Jha, aged about 30 years, S/o- Kanhai Jha, resident of Village- Harpur Kala, P.S.- Majorganj, District- Sitamarhi.
REPRESENTED BY	Sri Brajesh Nandan, Ld. Advocate

**FORM-B**

Date of offence	07-09-2023
Date of FIR	08-09-2023
Date of Charge-sheet	18-09-2024
Date of Framing of Charges	03-04-2025
Date of commencement of evidence	24-04-2025
Date on which judgment is reserved	12-03-2026
Date of the Judgment	13-03-2016
Date of the Sentencing order, if any	N/A

**ACCUSED DETAILS:**

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date of Release 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.
1.	Ankit Jha	Arrested on 18.06.2024 and sent to jail.	13-03-2026	U/s 302/34 of Indian Penal Code and 27 of Arms Act.	Acquitted	N/A	01 year 08 months and 23 days

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

**FORM-C**

**LIST OF PROSECUTION/DEFENCE/COURT WITNESS**

**A. Prosecution Witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Deepak Kumar	Hostile Witness
PW2	Rajesh Kumar	Hostile Witness
PW3	Dilip Kumar Thakur	Hostile Witness
PW4	Punita Devi	Informant
PW5	Dr. Md. Reza	Medical Witness (Doctor)
PW6	Rocky Kumar	Police Witness (Investigating Officer)

**B. Defence Witnesses, if any :**

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

**C. Court Witnesses, if any :**

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

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution Exhibits :**

Sr. No.	Exhibit Number	Description
1.	Exhibit- P-1/PW4	Signature of PW4 on fardbeyan.
2.	Exhibit- P-2/PW5	Post-mortem report of deceased Phul Shankar Thakur.
3.	Exhibit- P-3/PW6	Fardbeyan of informant PW4.
4.	Exhibit- P-4/PW6	Formal FIR.
5.	Exhibit- P-5/PW6	Inquest Report.
6.	Exhibit- P-6/PW6	Seizure List of empty ammunition.
7.	Exhibit- P-7/PW6	Seizure List of mobile recovered from accused Vijay Sah.
8.	Exhibit- P-8/PW6	Seizure List of mobile recovered from accused Navin Jha.

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

9.	Exhibit- P-9/PW6	Material (empty ammunition) test report.
----	------------------	--

**B. Defence Exhibits :**

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

**C. Court Exhibits :**

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

**D. Material Objects :**

Sr. No.	Material Object Number	Description
NIL	NIL	NIL

**JUDGMENT**

1. The sole accused Ankit Jha is facing trial for the alleged commission of offence punishable under sections 302/34 of Indian Penal Code (here-in-after referred as 'IPC' for short) and under section 27 of Arms Act.
2. The case of prosecution as per fardbeyan of informant Punita Devi (PW4), in brief, is that on 07.09.2023 at about 11:00 hrs. the co-accused Madan Kumar came at her house with a boy, who was saying himself as a friend of Ankit Jha, and asked where-about the husband of informant Phul Shankar Thakur. They further asked her to look into his sister who was ill as he knows 'Jharfuk' (sorcery). The informant replied that her husband is not at house. Thereafter both persons went from there. After sometime at 13:30 hrs. co-accused Madan Kumar and friend of Ankit came again at her house and started searching her husband Phul Shankar Thakur, then informant told them that he does not go outside for 'Jharfuk' (sorcery). Thereafter, they talked with each other and went from there quickly. On suspicion, the informant along with her daughter-in-law followed them. After going to some distance, the informant saw that accused persons were threatened her husband and Ankit Jha shot dead him by a country-made pistol. The informant and her daughter-in-law went there and saw bleeding from his head he had died.

DL

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

3. The fardbeyan was recorded by Pravin Kumar, SI of Garha Police Station and forwarded to SHO, Runnisaidpur. Subsequently, on the basis of abovesaid fardbeyan, Runnisaidpur PS Case No. 453/23 dated 08.09.2023 was registered against accused Ankit Jha and other three co-accused persons under sections 302/34 of IPC and 27 of Arms Act and police started investigation. After completion of investigation, the police submitted charge-sheet against accused Ankit Jha under sections 302/34 of IPC and 27 of Arms Act.
4. Accordingly, cognizance of offence was taken by the court of Ld. CJM, Sitamarhi for the offences punishable u/s 302/34 of IPC and 27 of Arms Act against accused facing trial herein.
5. In due course, after committal, this case came on the file of this Court and charges against accused were framed on 03.04.2025 by this Court to which the accused pleaded not guilty and claimed trial.
6. The prosecution has examined altogether six (06) witnesses to substantiate its case and to prove the charges. Apart from the above oral evidence, the prosecution has also adduced and proved some documents which were marked as exhibits. The defence has not adduced any oral or documentary evidence in his support.
7. After the closer of the prosecution evidence, the sole accused was examined under section 313 of the Code of Criminal Procedure, 1973 (herein after Cr.PC for short)/351 of Bharatiya Nagarik Suraksha Sanhita, 2023 by this Court in which he has denied prosecution evidence and claimed his innocence.
8. Heard the submissions of the Ld. PP and the Ld. Counsel for the accused. It is submitted by the Ld. PP that the prosecution has proved its case, therefore, the accused may kindly be convicted.
9. On the other hand, the Ld. Counsel for the accused has submitted that the prosecution has failed to prove its case therefore, the accused deserve to be acquitted.
10. Having heard the submissions, having gone through the record the question that has arisen before this Court is whether the prosecution has proved its case. If yes, then what offences have been committed by the accused.



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI**

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

11. In order to substantiate its case, the prosecution examined six witnesses in all, namely PW-1 Deepak Kumar, PW-2 Rajesh Kumar, PW-3 Dilip Kumar Thakur, PW-4 Punita Devi (informant and wife of the deceased), PW-5 Dr. Md. Reza (Autopsy Surgeon), and PW-6 Rockey Kumar (Investigating Officer). During the course of trial the prosecution also proved certain documentary exhibits. PW-4 Punita Devi identified her signature on the Fard Beyan which was marked as Exhibit P-1/PW-4. The Investigating Officer PW-6 Rockey Kumar proved the Fard Beyan Exhibit P-3/PW-6 and the formal First Information Report as Exhibit P-4/PW-6. He further proved the inquest report as Exhibit P-5/PW-6, the seizure memo relating to the khokha (spent cartridge) recovered from the place of occurrence as Exhibit P-6/PW-6, and the seizure lists relating to the recovery of two mobile phones from co-accused Vijay Jha and Naveen Jha as Exhibit P-7/PW-6 and Exhibit P-8/PW-6 respectively. The examination report of the seized khokha was proved as Exhibit P-9/PW-6. The medical evidence in the form of the post-mortem report prepared by PW-5 Dr. Md. Reza was also brought on record during his deposition.
12. PW-1 Deepak Kumar deposed that on the date of the occurrence he was sleeping in his house when he heard a commotion in the village. On hearing the noise, he proceeded to the place of occurrence and found that his uncle had been shot and was lying there. He categorically stated that he had not witnessed the occurrence with his own eyes and did not know anything further about the incident. Since his testimony did not support the prosecution case, he was declared hostile. The cross-examination conducted by the learned Public Prosecutor did not bring on record any material supporting the prosecution case.
13. PW-2 Rajesh Kumar deposed that he was sleeping in his house when the occurrence allegedly took place. He stated that he came to know from villagers that two persons riding a motorcycle had shot his father. He clearly stated that he had not witnessed the incident himself. During his deposition he refused to identify the accused in the dock. As his testimony did not support the prosecution version, he was declared hostile. The cross-examination by the learned Public Prosecutor also failed to elicit anything favourable to the prosecution.
14. PW-3 Dilip Kumar Thakur deposed that he merely heard about the incident and thereafter reached the place of occurrence where he found the deceased

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

lying on the ground. He admitted that he had not seen the occurrence taking place. He also refused to identify the accused in court. As his testimony did not support the prosecution case, he was declared hostile. Even in cross-examination by the learned Public Prosecutor nothing material supporting the prosecution case could be elicited.

15. PW-4 Punita Devi deposed that she was inside her house when she heard people shouting that someone had been shot. On hearing the commotion, she came outside and came to know that her husband had been shot dead. She stated that she did not see the occurrence and did not try to ascertain who had shot her husband. During her deposition she refused to identify the accused in the dock. She, however, identified her signature on the Fard Beyan which was exhibited as Exhibit P-1/PW-4.
16. PW-5 Dr. Md. Reza deposed that he conducted the post-mortem examination on the body of the deceased Phoolshankar Thakur. During the examination he found firearm injuries on the body of the deceased and opined that the death was caused due to injuries sustained by firearm discharge. The post-mortem report prepared by him was proved during his deposition. His testimony establishes that the death of the deceased was homicidal in nature.
17. PW-6 Rockey Kumar deposed regarding the investigation conducted by him in the present case. He proved the Fard Beyan and the formal First Information Report and also proved the inquest report prepared during the course of investigation. He further stated that during investigation a khokha (spent cartridge) was recovered from the place of occurrence and seized vide seizure memo. He also proved the seizure lists relating to the recovery of two mobile phones from co-accused Vijay Jha and Naveen Jha and proved the examination report relating to the seized khokha.
18. Upon careful consideration of the evidence on record, it is evident that none of the prosecution witnesses has witnessed the occurrence with his or her own eyes. PW-1, PW-2 and PW-3 have merely stated that they came to know about the incident after hearing the commotion or from other villagers. PW-4, the informant and wife of the deceased, has also admitted that she did not see the occurrence. Thus, there is a complete absence of ocular evidence connecting the accused with the alleged offence.
19. It is also noteworthy that the material witnesses have refused to identify the accused in the dock. PW-2 Rajesh Kumar, PW-3 Dilip Kumar Thakur, and

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

even PW-4 Punita Devi, the informant herself, have declined to identify the accused Ankit Jha in court. Identification of the accused in court constitutes substantive evidence and the refusal of these witnesses to identify the accused significantly weakens the prosecution case and fails to establish the identity of the accused as one of the perpetrators of the crime.

20. The Court further notes that PW-1, PW-2 and PW-3 were declared hostile by the prosecution. Although the testimony of a hostile witness is not to be rejected in its entirety and the court may rely upon the part of such testimony which inspires confidence, in the present case the cross-examination conducted by the learned Public Prosecutor has failed to bring on record any material supporting the prosecution case. Their evidence, therefore, does not advance the prosecution case in any manner.
21. As regards the documentary evidence relied upon by the prosecution, the Fard Beyan, the formal First Information Report, and the inquest report have been duly proved. However, it is a settled proposition of law that these documents are not substantive pieces of evidence and can only be used for the limited purpose of corroboration or contradiction of witnesses. In the absence of supporting oral testimony, these documents by themselves cannot establish the guilt of the accused.
22. With respect to the weapon of offence, the Court finds that no firearm allegedly used in the commission of the offence has been recovered from the accused. Although a khokha (spent cartridge) was seized from the place of occurrence and its examination report has been brought on record, the prosecution has failed to establish any nexus between the said khokha and the accused Ankit Jha or any weapon belonging to him. In the absence of such connection, the khokha and its examination report do not advance the prosecution case.
23. Similarly, the seizure of two mobile phones from co-accused Vijay Jha and Naveen Jha does not in any manner implicate the present accused Ankit Jha. These recoveries pertain to other persons and have no evidentiary value against the accused at present before this Court.
24. Taking a cumulative view of the entire evidence on record, this Court finds that the prosecution has failed to prove its case against the accused beyond reasonable doubt. There is neither any direct evidence nor a complete chain of circumstances linking the accused with the commission of the alleged

DS

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS, SITAMARHI

Sitamarhi, Dated: 13<sup>th</sup> March 2026

Present: Dinesh Sharma, PD&SJ, Sitamarhi

Session Case No. 574 of 2024

[CIS (Reg.) No. 574 of 2024]

State of Bihar Vs. Ankit Jha

offence. It is a fundamental principle of criminal jurisprudence that the burden of proving the guilt of the accused lies upon the prosecution and that the accused is entitled to the benefit of every reasonable doubt.

25. In view of the foregoing discussion and findings, the accused Ankit Jha is hereby acquitted of the charges framed against him under Sections 302/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959. The accused, if in custody, shall be released forthwith unless his detention is required in connection with any other case, subject to furnishing bail bonds in the sum of Rs. 5,000/- with one surety in the like amount in terms of Section 437A of the Code of Criminal Procedure, 1973 / Section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
26. After delivering the judgment of acquittal, this Court proceeds to consider the question of compensation payable to the legal heirs of the deceased. Although the prosecution has failed to establish the identity of the assailant beyond reasonable doubt, the medical evidence on record establishes that the deceased died a homicidal death. In view thereof, the legal heirs of the deceased are entitled to compensation in accordance with law. Accordingly, the office is directed to forward a copy of this judgment to the District Legal Services Authority for the purpose of determining and awarding appropriate compensation to the legal heirs of the deceased in accordance with the applicable victim compensation scheme.
27. Pronounced in open Court today on this 13<sup>th</sup> day of March 2026.
28. The file be consigned to record room after necessary compliance as per rules.

Dictated and corrected by me.

*Dinesh Sharma*

(DINESH SHARMA)

Principal District & Sessions Judge

Sitamarhi.

13.03.2026

Judgment delivered by

*Dinesh Sharma*

(DINESH SHARMA)

Principal District & Sessions Judge

Sitamarhi.

13.03.2026

Date of Judgement/Order	13-03-2026
Date of reserving Judgment/Order	12-03-2026
Uploading date	13-03-2026
Uploaded by	Purushottam Kumar, DEO