

Distt:- Supaul
IN THE COURT OF SESSIONS JUDGE, SUPAUL

PRESENT :- Anant Singh
Sessions Judge, Supaul

Date of Judgment -- The 08th day of July-2026

ST-338/2023

(Arising out of Triveniganj PS case No.:-36 of 2023, dated-03.02.2023 under Sections 302/34 of I.P.C & 27 Arms Act corresponding to GR No.-201/2023 committed to the court of Sessions by the Ld. A.C.J.M-I, Supaul vide order dated-02.08.2023).

FIR NO.- TRIVENIGANJ, PS CASE NO.:-36/2023, dt.-03.02.2023
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COMPLAINANT	State through INFORMANT MANOJ PASWAN	
REPRESENTED BY	Shri Amar Kumar Das, Ld. Addl. PP	
ACCUSED PERSONS	1.	Pawan Kumar Yadav..... Aged about 28 Years..... A-1 S/O Mungalal Yadav
	2.	Sunil Kumar..... Aged about 27 Years..... A-2 S/O Babunandan Yadav
	Accused- A-1 R/o Village-Chainpur, Ward No.03,P.S-Bhimpur, District- Supaul & Accused- A-2 R/o Village- Jharkaha, Ward No.08, P.S-Triveniganj, District- Supaul.	
REPRESENTED BY	Sri Birendra Kumar Jha, Ld. Advocate. Sri. Mithilesh Kumar Jha, Ld. Advocate.	

FORM-B	
➤ Date of Offence	03.02.2023
➤ Date of FIR	03.02.2023
➤ Date of Charge Sheet	31.05.2023
➤ Date of Cognizance	26.06.2023
➤ Date of Framing of Charge	01.09.2023
➤ Date of Commencement of Evidence	29.10.2024
➤ Date on Which Judgment is reserved	08.07.2026
➤ Date of the Judgment	08.07.2026
➤ Date of the Sentencing Order, if any	Not Applicable

ACCUSED DETAILS							
Rank of the accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detection Undergone during Trial for Purpose of Section 428 Cr.P.C
A-1	Pawan Kumar Yadav	13.04.2023	22.07.2023	U/S 302/34 of IPC & 27 Arms Act.	Acquitted	N/A	N/A
A-2	Sunil Kumar	13.04.2023	22.07.2023	U/S 302/34 of IPC & 27 Arms Act.	Acquitted	N/A	N/A

J U D G M E N T

1. In the above noted case accused persons were charged and facing the trial for the offence punishable under Sections 302/34 of IPC & 27 of Arms Act vide order dated-01.09.2023.

2. In brief, the prosecution story is that on dated-03.02.2023, a written application was given by the informant namely, Manoj Paswan to the police of P.S Triveniganj and stating therein that he is at present posted as Chaukidar in Triveniganj Police Station and today i.e. on 03.02.2023 at about 07:29 AM, he received a secret information that a dead body was lying in MBC Canal at Village-Gonha, Ward No.05. Thereafter, he reached at Village-Gonha, Ward No.05, in the west-side of MBC Canal near the agriculture land of Jaylal Sardar a dead body of a male, aged about 38 years was lying there and several persons were also present there. The informant further stated that there was a bullet mark on the head and also on chest and the dead body was wearing a black colour trousure, blue color shirt, black colour shoes and sweater. Thereafter, he informed the police on his mobile phone.

On the basis of the above said written application of the informant, police of Triveniganj Police Station registered a case under Sections 302/34 of I.P.C & 27 of Arms Act bearing P.S Case no.-36/2023 against the accused persons.

After completion of the investigation police has submitted the charge-sheet against the accused persons on 31.05.2023. Accordingly, Ld. A.C.J.M-I, Supaul has taken cognizance against the accused persons namely, Pawan Kumar

Yadav and Sunil Kumar under Sections 302/34 IPC & 27 of Arms Act vide order dated-26.06.2023. The police paper was supplied to the accused persons.

The offence under Section 302 of I.P.C is exclusively triable by the court of Sessions and, hence, the record was committed to this court by the Ld. A.C.J.M-I, Supaul vide order dated-02.08.2023 for trial and disposal to this court.

3. After completion of the prosecution evidence, the statement of the accused persons have recorded under Section 313 of Cr.P.C on 08.07.2026 and all the incriminating questions put to them which they denied and pleaded innocence.

FINDINGS

4. In order to prove the case the prosecution has examined five witnesses namely:-

S.No.	NAME OF THE WITNESSES	EVIDENCE
1.	Manoj Paswan/Informant	P.W.-1
2.	Devnarayan Sah	P.W.-2
3.	Janardhan Kumar	P.W.-3
4.	Manjay Kumar Sah	P.W.-4
5.	Amrendra Sah	P.W.-5

5. The prosecution has also produced documentary evidences on the record, that signature of Manoj Paswan on written report, which is exhibited as **Exhibit-01**.

6. The first prosecution witness namely, Manoj Paswan (Informant), examined as P.W.-01, in his examination-in-chief, he deposed that he has given the written application to the police against the unknown persons and on that basis this FIR was registered. He further deposed that this incident was occurred on 03.02.2023 at about 07:00 AM. In para No.4, he further deposed that he received the information regarding the lying of a dead body in MBC Canal, thereafter, he reached there and found a dead body of one male, aged about 38 years was lying there. He further deposed that there was a sign of three bullet marks on his head and one bullet mark injury on his chest. He also deposed that the dead body was wearing a brown colour sweater, white colour shirt, trousure and a black colour shoes and a iron ring in his finger. After that he informed the SHO. In para No.5, he further deposed that there was three empty bullets and two pellets was lying there and a platform ticket was also recovered from his pocket. The signature of the witness on the written application is exhibited as **Exhibit-1**.

In his cross-examination, conducted by the ld. defence counsel, he further deposed that when the dead body was recovered his name was not known to him. He further deposed that he has not seen anyone of causing the offence.

7. The second prosecution witness namely, Devnarayan Sah examined as P.W.-02, in his examination-in-chief, he deposed that this incident was occurred on 02.02.2023, and his son namely, Vidyanand Kumar Sah was murdered on that day but he has no knowledge about the cause of his death and the postmortem of his son was performed and he along with other persons were present there and identified the dead body of his son.

In his cross-examination, conducted by the Id. defence counsel, he further deposed that he has no any information that who has cause death of his son.

8. The third prosecution witness namely, Janardhan Kumar examined as P.W.-03, in his examination-in-chief, he deposed that this incident was occurred on 02.02.2023 and his brother Vidyanand Kumar Sah was murdered. He further deposed that he has no knowledge who has cause death of his brother and he has first time see the dead body in Mortuary House at Supaul Hospital.

In his cross-examination, conducted by the Id. defence counsel, he further deposed that he has no any information that who has cause death of his son.

9. The forth prosecution witness namely, Manjay Kumar Sah examined as P.W.-04, in his examination-in-chief, he deposed in one sentence that he has no knowledge about the commission of the crime and also not identified the accused persons and he also deposed that police has not inquired from him.

This witness has declared hostile and nothing new has been elicited in the detailed cross-examination conducted by Ld. A.P.P.

10. The fifth and last prosecution witness namely, Amrendra Sah examined as P.W.-05, in his examination-in-chief, he deposed in one sentence that he has no knowledge about the commission of the crime and also not identified the accused persons and he also deposed that police has not inquired from him

This witness has also declared hostile and nothing new has been elicited in the detailed cross-examination conducted by Ld. A.P.P.

11. Argument heard from both sides and perused the record. In this case, the prosecution has examined altogether five witnesses including informant namely, Manoj Paswan i.e. P.W.-1 and other four witnesses. On the basis of the written application of the chaukidar i.e. P.W.-1 this FIR was registered against the unknown persons. The other four witnesses PW-2 to PW-5 have not supported the prosecution case and only identified the dead body and they have not deposed any word against the accused persons regarding their complicity in the commission of the crime. Accordingly, this court has no other alternative but to acquit the accused persons from all charges framed against them.

CONCLUSION

Hence, the prosecution has miserably failed to prove the charges levelled against the accused persons namely, Pawan Kumar Yadav and Sunil Kumar have not found and not held guilty for the offence punishable under Sections 302/34 of IPC & 27 of Arms Act. Accordingly, they are “**Acquitted**” from the same. As the accused persons are on bail, so their bail bonds are accordingly discharged.

The Judgment signed, dated, sealed and pronounced by me in the open court today.
File be consigned to record room after due formalities.

Dictated & Corrected by me.

Sd/-
(Anant Singh)
Sessions Judge, Supaul
Dated:-08.07.2026

Sd/-
(Anant Singh)
Sessions Judge, Supaul
Dated:-08.07.2026

Date of Judgment:-	08-07-2026
Date of Reserving Judgment:-	08-07-2026
Uploading Date:-	16.07.2026
Uploaded by:-	Nitish Kumar, DEO