

District: Chatra

In the court of Sessions Judge, Chatra.

Present : Shambhu Lal Shaw, Principle District & Sessions Judge, Chatra.

Dated; Chatra, the 31st day of July -- 2026

<u>Ref: Session Trial Case No. 157/2018.</u> (CNR No. JHCH010022312018) <i>(Arising out of Pratappur P.S case No. 07/2018, dated 21.01.2018, U/s 302/34 of the Indian Penal Code, U/s 27, 35 of Arms Act).</i>	
Committed by Sri Ananda Singh, SDJM, Chatra on 05.06.2018	
STATE	
v/s	
Irfanur Rahman @ Irfan , aged about 35 years, S/o Late Abid Rahman, R/o Village- Gajwa, PS- Pratappur, District – Chatra, Jharkhand.	
<u>..... Accused Person</u>	
For Prosecution :	Sri Amit Kumar Shrivastava, Ld. P.P.
For Defence :	Sri Sekhar Prasad Sinha, Advocate.
J U D G M E N T	

1. Above named **sole accused - Irfanur Rahman @ Irfan** - stood tried for offences punishable **U/s 302, 34 of Indian Penal Code** (hereinafter referred to as **IPC** in short), **U/s 27 of Arms Act**.

2. (a) Prosecution case in brief is that one Dipak Kumar lodged FIR that on 20.01.2018 – Saturday at 10.00 morning, his **father - Chandrika Prasad Yadav, Panchayat Mukhiya-** started from Gajwa for Pratappur.

During return at about 06.00 evening, he was coming with brother Rajendra Yadav through Sasgara road by distinct motorcycles. On the way- 12 accused persons -

Janardan Paswan	Kapil Paswan	Samendra Kumar Paswan	Arjun Paswan
Seikh Meraj	Arju Khan	Khalid Khan	Munna Khan
Rushtam Khan	Ashok Yadav	Birendra Sao	Juber Khan

intercepted both father and uncle.

Janardan Paswan shot his father Chandrika Prasad Yadav dead. They also attempted to kidnap uncle Rajendra Prasad but he managed to escape.

Uncle Rajendra Yadav informed this incident to Rohit Kumar – full brother of this informant- that Janardan Paswan was with Scorpio vehicle JH-13B-0021 while Kapil Paswan was upon white colour Scorpio vehicle.

They had blocked the road for this incident.

When father attempted to escape, Janardan Paswan shot him dead. Earlier father was apprehending his murder by Janardan Paswan and Kapil Paswan. Sanha was also lodged.

Present accused is not named in FIR.

(b) Upon this present FIR of Pratappur PS Case No. 07/2018, dated 21.01.2018, U/s 302/34 of IPC, U/s 27, 35 of Arms Act, was lodged.

(c) **First charge sheet No. 65/2018 dated 17.05.2018 was submitted against present accused Irfanur Rahman @ Irfan.**

Upon commitment it became **present ST No. 158/2018.**

(d) On further, investigation second Charge sheet No. 122/2018 dated 16.08.2018 was submitted against accused Arju Khan.

Upon commitment it became ST No.250/2018, also fixed for Judgment to date.

(e) Upon further charge-sheets- **ST-259/2024 + ST-246/2023 + ST-23/2024**- arose which are pending.

(f) Charge against **present sole accused- Irfanur Rahman @ Irfan** - was framed on 09/08/2018, for offence punishable **U/s 302/34 of IPC, U/s 27 of Arms Act** to which he pleaded not guilty and claimed to be tried.

(g) Defence case is total denial.

3. Now question remains whether prosecution has been able to prove its case beyond the shadow of reasonable doubts ?

F i n d i n g s

4. (a) Prosecution examined the following PWs:-

P W	Name of witness	Remarks
1	Rajendra Yadav	Sole eye witness
2.	Jitendra @ Suresh Yadav	Hearsay witness
3.	Jawahar @ Jawahir Yadav	
4.	Sita Yadav	Relation of deceased-hearsay
5.	Ashok Yadav	Hearsay witness
6.	Rajkumar Yadav	
7.	Ujjwal Kumar Ray	
8.	Ramotar Yadav	
9.	Rohit Kumar	Son of deceased
10.	Nuna Kishku	Police
11.	Deepak Kumar	Informant
12.	Doman Rajak	Part I.O

13.	Shyamraj Sahu	First I.O
14.	Dr Nand Kishore Prasad Jaiswal	Medical Officers
15.	Dr Praveen Kumar	
16.	Madhusudan Modak	Part I.O.
17.	Shyamsunder Paswan	Choukidar
18.	Narayan Yadav	Hearsay witness
19.	Dr Pankaj Kumar	Medical Officer
20.	Prem Kumar Sanga	Produced seized material
21.	Satyendra Mistry	Turned Hostile
22.	Ajay Mistry	
23.	Sunita Devi	Independent witness Hearsay
24.	Kanti Devi	
25.	Rajendra Sao	
26.	Shanti Devi	

(c) Prosecution exhibited (corrected) the following :-

Ext	Document	Proved by
1	FIR application	PW - 11
1/1	Case registration endorsement over FIR application	PW - 13
2	Signature of PW-11 over seizure list of blood stained soil	PW - 11
2/1	Said seizure list of blood stained soil	PW-13
3	Formal FIR	PW - 13
4	Photo copy of Inquest Report	PW - 13
5	Postmortem Report	PW - 14
5/1	Signature of PW-14 Dr NKP Jaiswal over Postmortem report	PW - 14
5/2	Signature of PW 15 Dr Praveen Kumar over the Postmortem report.	PW - 15
5/3	Signature of PW 19 Dr Pankaj on seizure list.	PW - 19
6	Seizure list of mobile of present accused Irfan	PW - 16
6/1	Signature of PW 17 over said seizure list of mobile.	PW - 17
7	Confessional statement of accused Irfanur Rahman @ Irfan	PW - 16
8	Challan to produce material exhibit in court	PW - 20

(c) Prosecution proved following documents as marked for identification :-

Mark no.	Documents	Proved by
X	Signature of PW 1 Rajendra Yadav over photocopy of inquest report	PW-05
X/1	Signature of PW 11 Dipak Kumar over same	

(d) Prosecution produced following **Material Exhibits :-**

Mat. Ext. no.	Material	Produced by
I	Big Plastic box	PW-20
II	Blood stained soil in a small box	
III	Empty small box	
IV	Bullet (Cartridge) brought out of dead body	

5. Now the evidences.

First the PWs.

(a) **PW 1 – Rajendra Yadav – alleged Eye Witness and brother of deceased** – deposed in support interalia that on 20.01.2018 at bout 06.00 evening, he along with deceased-brother were returning by distinct motorcycle from Bhusiya village through Sasgara road. Deceased was a Mukhiya and had come to attend meeting at Gajwa.

On the wa, they found two Scorpio vehicles blocking road. One vehicle belongs to Janardan Paswan and another to Kapil Paswan. Janardan Paswan intercepted deceased and this witness. Satyendra Paswan, Arju Khan, Kapil Paswan attempted to get hold of deceased brother who started to escape.

Later deposed that Munna Khan, Seikh Mehraj, Juber Khan, Rustam Khan, Birendra Sao, Arjun Paswan, Satyendra @ Salendra were also there.

Janardan Paswan shot his brother Chandrika Yadav dead.

Attempt was also made to apprehend this witness but he managed to escape.

He informed this matter to PW-9-Rohit Kumar over mobile.

Rohit Kumar in turn informed this matter to bother- informant-PW-11- Dipak.

Police came at the place of occurrence. **This witness also went there and found dead body with gun shot injuries upon eye and left hand.**

Police took away dead body at 01.00 night. Police recorded statement of this witness, Rohit, Dipak and others.

Postmortem took place.

Present accused Md. Irfan was also involved in this occurrence but since his name was not known earlier, this witness did not disclose this name to nephew (Rohit).

Present accused was first not named.
Later this sole eye witness named him !!!
Is n't it after thought !!! It seems so.

He claimed to identify present accused who was on representation.

In cross he deposed that **there was distance of 100 -150 yards in between deceased and this witness.** This witness escaped towards west.

Munna Khan, Satyendra Paswan, Arju Khan, Khalid Khan and Ashok Yadav attempted to intercept deceased.

Deceased and this witness were running towards west. Deceased was at 150 yards south. There was one pit hole. Arju Khan and Satyendra Paswan caught hold of deceased and Janardan Paswan shot him dead.

Present accused is not named with specific overt act !!!

This witness and deceased were riding separate motorcycle. When deceased was shot, this witness escaped.

After 2½ hours, police came. This witness hid in Hadhadwa Nala - ½ KM from the place of occurrence. After arrival of his nephew, this witness came back. Police recorded statement of persons present there. **Md. Irfan is not named in FIR.**

(b) **PW 2 – Jitendra @ Suresh Yadav – Hearsay witness – deposed in support as hearsay** with super addition that he was crossing house of accused Janardan Paswan and over heard accused persons that they had committed this crime. He claimed to identify present accused.

In cross he deposed that Gajwa and Sinduriya villages are at 05 KM distance. Irfan Khan is resident of Gajwa village. **He is not known to this witness.** He got information of this murder at 06.30 evening. House of accused Janardan Paswan is 1½ KM from house of this witness. At the time of arrival of this witness at place of

occurrence, he found mob of 50 people approx. His statement was recorded by police.

(c) **PW 3 – Jawahar @ Jawahir Yadav –Hearsay witness - also deposed in support of prosecution case as hearsay** with super addition that house of accused Janardan Paswan is 1½ Jarib from house of this witness. When this witness had started for reaching place of occurrence, he **over heard accused persons that they had committed this crime.** Accused persons were holding fire arms. Deceased sustained gun shot injury upon eye and head. He claimed to identify present accused Irfan Khan.

In cross he deposed that house of deceased Chandrika Yadav and accused Janardan Paswan are at Pratappur. On the date of occurrence, he was in own house at Balwadohar. **He was not present in the meeting conducted by deceased.** When he **heard about present murder over mobile, this witness did not raise hue & cry.** He straight way reached at place of occurrence. He did not consult with accused parties. His statement was recorded by police.

(d) **PW 4 – Sita Yadav – Relation of deceased- Hearsay witness - also** like-wise deposed that on 20.01.2018 at about 06.30 evening, he was returning from Pratappur to Moniya. Near Shivpur village, he found Satyendra Paswan, Arju Khan and Irfan Khan coming by Bullet motorcycle. **Arju Khan and Irfan Khan were holding arms.**

Janardan Paswan and Kapil Paswan were by distinct Scorpio vehicles. **After some time, he heard hue & cry that Chandrika Yadav was shot dead.** This witness **over heard** Satyendra Paswan, Arju Khan and Irfan Khan that thing has been done. This witness reached place of occurrence and **heard PW-1 shouting that Janardan Paswan had shot dead deceased and further that Arju Khan, Kapil Paswan, Satyendra Paswan, Munna Khan were also with them.**

As per this witness, PW-1- did not name present accused at the place of occurrence.

Police, S.P came and took away dead body. He identified present accused Irfan Khan.

In cross he deposed that there is distance of 02 KM in between Pratappur and Nima and further from Pratappur to Shivpur. It was winter evening. **Rajendra Yadav informed about the occurrence over mobile (Para 11).** After hearing about same, he went to the place of occurrence and found PW-1 present there. Crowd of 20-25 people were there. Occurrence took place at Sasgara forest. **This witness did not see any accused firing gun shot.** Police reached at about 06.30 evening.

(e) **PW 5 – Ashok Yadav – Hearsay witness-** deposed in support as hearsay and further that he went to the place of occurrence and found dead body with gun shot injury upon right eye. **PW-1 was shouting that Janardan Paswan, Arju Paswan, Kapil Paswan, Satyendra Paswan shot deceased dead.**

As per this witness also, PW-1- did not name present accused at the place of occurrence.

Police recorded his statement.

In cross deposed that statement of this witness was recorded by police.

(f) **PW 6 – Rajkumar Yadav –Hearsay witness-** deposed that **he heard from villagers** regarding occurrence on 20.01.2018 at 06.00-07.00 evening. He reached place of occurrence Sasgara forest and found dead body of deceased Mukhiyaji with gun shot injury upon right eye. **PW-1 was shouting that Janardan Paswan, Arjun Paswan, Kapil Paswan, Satyendra Paswan shot deceased dead.**

As per this witness also, PW-1- did not name present accused at the place of occurrence.

Police recorded his statement.

In cross he deposed that area is extremists affected.

(g) **PW 7 – Ujjal Kumar Ray – Son of PW 1 – Hearsay witness -** also deposed same in support of prosecution case as hearsay.

In cross he deposed that he saw the dead body with gun shot injury upon right eye and left hand. **Cousin informed him at about 06.00 evening.** At the time of arrival of this witness at the place of occurrence, 4-5 people were present. Dead body was taken for Postmortem from police station at 11.00 next day.

(h) **PW 8 – Ramotar Yadav – Hearsay witness-** deposed in support as hearsay and further that he reached place of occurrence and

found dead body. PW-1 and other family members were already present there. Police came and undertook documentation next day. At 11.00 morning, dead body was taken for postmortem. **Irfan Khan was also involved in this murder.**

In cross he deposed that **at the time of information, this witness was at village Bhusiya. Occurrence did not take place in his presence.** Present accused Irfan Khan is not named in the FIR.

(i) **PW 9 – Rohit Kumar – Son of deceased – person whom PW 1 first reported about the occurrence over mobile** – also deposed accordingly in support as hearsay from PW 1.

In cross he deposed that **PW-1 reported him about the occurrence.** After some time of arrival of this witness at the place of occurrence, police came. Informant informed police. **He deposed as per version of PW 1.**

(j) **PW 10 – Nuna Kishku – a Police personnel-** deposed that on 17.02.2018, he along with Officer-in-Charge went to village Gajwa. From present accused, one black colour Samsung mobile without SIM Card - was recovered. Nothing specific in cross.

(k) **PW 11 – Dipak Kumar – informant** – also deposed accordingly in support as hearsay from PW-9.

He proved FIR application under his pen and signature as **Exhibit- 1.** Blood stained soil was seized. PW-1 and this witness put signature. His signature is **Exhibit-2.** Inquest report was prepared. PW-1 and this witness put signatures there. Since photocopy- it was **marked X & X/1 – for identification.**

Gun shot injury was upon right eye, above same and left hand.

After postmortem, last rituals took place.

In cross deposed that **occurrence was informed to this witness by Rohit – PW 9.**

(l) **PW 12 – Doman Rajak – Part I.O.** just submitted present charge sheet and did nothing specific.

(m) **PW 13 – Shyamraj Sahu – first I.O – proved :-**

Correct Ext no.	document
1/1	Case registration endorsement over FIR application
2/1	Said seizure list of blood stained soil
3	Formal FIR
4	Photo copy of Inquest Report

Blood stained soil was seized under seizure list. It is **Exhibit-2/1**. He visited place of occurrence. It is Sasgam Moram road – 10 KM from Pratappur PS- near one Palas tree at about 20 feet. Its boundary :-

North – Moram Road East to West	South – Forest and bushes
East – Palas tree and electric pole	West – forest and bushes-- after 1½ KM - Nani- Majhgawa village

He recorded restatement of informant and statements of witnesses. He corresponded with Gajwa Panchayat Secretariat for Minutes of meeting of date of occurrence. Informant refused to receive such notice.

On 07.02.2018, he made over charge of further investigation to Officer-in-Charge.

In cross he deposed that case diary para-06 contains that on 20.01.2018 at about 20.05 hours, there was rumor information

that deceased Mukhiya Chandrika Prasad Yadav was going to own village Bhusiya Pratappur. On way at Sasgara forest road, his motorcycle was found fallen. Relations were having doubt about kidnapping and murder. Dead body was found at a fair distance. Sanha No. 23/2018 dated 20.01.2018 was entered. Superior officer was informed. Along with Officer-in-Charge, this witness proceeded for place of occurrence.

On 20.01.2018 at about 23.10 hours, inquest report was prepared. January month was winter. It becomes dark at about 05.30 – 06.00 PM. Forest area remains more darker. He did not see proceeding book of Panchayat secretariat of Gajwa. Case diary- para-74 contains that upon reaching Nanai Sasgara Moram road, one leaflet in white paper with black Ink was found with mention of threatening words-

एमपीएमएस पार्टी जिंदाबाद, भाकपा माओवादी मुर्दाबाद—चन्द्रिका यादव
तो एक झांकी है अभी और बाकी है। भाकापा माओवादी के बिचौलियों
होश में आओ, होश में आओ, होश में आओ,

It was seized under seizure list in presence of witnesses Ashok Yadav and Rajkumar Yadav

Neither such seizure list is there in record nor such leaflet was produced in court

Statement of witnesses were referred to this I.O

(n)

PW 14 –Dr Nand Kishore Prasad Jaiswal	PW 15 – Dr Praveen Kumar
And	PW 19 – Dr. Pankaj Kumar

proved Postmortem Report.

They deposed interalia that on 21.01.2018, they conducted postmortem examination over dead body of Chandrika Prasad Yadav, S/o Late Ramnu Yadav, R/o village Ghuriya, PS Pratappur, District- Chatra.

Dead body was brought and identified by Digwar Laxman Paswan. These witnesses were members of Medical Board who conducted Postmortem.

Following Ante-mortem injuries were found upon person of deceased :-

1. Lacerated and perforated wound with clotted blood with collar and grease and abrasion over and above the right eye brow ¾" X ½" X bone deep up to inner aspect of occipital bone. Suggestive of wound of entry of bullet from fire arms weapon with rupture of right eye ball and fracture of maxillary bone, frontal bone and temporal bone with contusion of brain matter. Bullet was recovered from inner aspect of occipital bone and was sealed in plastic bottle and handed over the police Digwar Laxsman Paswan
2. Burrow shaped lacerated wound over left hand, red brown with collar of grease and abrasion and surrounded by blackening of skin (gun powder- 3"X ¾" X ¼" with fracture of 5th Metacarpal bone. Skin of wounded area was preserved in a plastic bottle and handed over to the police Digwar Laxman Paswan for biological examination
3. Internal Finding – All viscera were pale. Stomach contains semi digested non identified food particles.
4. Rigor mortis were present all over body i.e upper limbs and lower limbs

They opined- **death was caused by head injury, haemorrhage and shock resulting from above described injuries and time elapsed since death about 12 to 18 hours.**

Postmortem report was prepared by them. It is **Exhibit-5 (corrected)**. They identified their signatures over Post-mortem report as **Exhibits- 5/1, 5/2 and 5/3 (corrected)** respectively.

In cross they deposed that **two fire arms injuries were there on dead body**. It can not be said from what distance, the bullet injuries was caused.

(o) **PW 16 – Madhusudan Modak – part I.O-** deposed interalia that for this occurrence, SIT was formed. Dy S.P Gyan Ranjan was head. Technical cell was consulted.

He attempted to arrest accused Janardan Paswan, Arjun Paswan and Kapil Paswan. All were found absconder. Other accused were also found absconder.

He obtained Post-mortem Report. He recorded statement of Shyam Sunder Paswan.

Present accused Irfan was arrested. One mobile was recovered. It was seized under seizure list. It is **Exhibit-6 (corrected)**. Confessional statement of accused-Irfan was recorded. It is **Exhibit-7 (corrected)**.

This confessional statement of present accused is not leading to further recovery.

Accused was sent to Jail through process of court. Since transferred, he made over charge of further investigation.

In cross he deposed that he did not visit place of occurrence.

(p) **PW 17 – Shyam Sunder Paswan – a Choukidar** – deposed that one accused was arrested in connection with this case. From him, one mobile was seized. Signature of this witness over same is **Exhibit-6/1**. Nothing specific in cross.

(q) **PW 18 – Narayan Yadav – hearsay** – deposed interalia that upon hearing about occurrence, he reached place of occurrence and found PW-1, who disclosed about the occurrence that Janardan Paswan, Arjun Paswan, Kapil Paswan, Samendra @ Satyendra Paswan, Arju Khan, Munna Khan, Juber Khan, Skhalid Khan, Seikh Meraj, Birendra Sao, Rustam Khan, Ashok Yadav blocked the road using 02 Scorpio vehicles. Janardan Paswan shot Chandrika Yadav dead. Deceased was apprehending his murder by said accused Janaradan Paswan. This witness saw the dead body. There were gun shot injury upon right eye and head and left hand.

In cross he deposed that no extremists leaflet was found near dead body. Dead body was taken away from the place of occurrence by police at about 11.00 night. It was kept at Pratappur Chowk. Next day at 10.00 – 11.00 AM, it was taken away for Post-mortem.

(r) **PW 20 – Prem Kumar Sanga** – produced seized material in court. He proved Challan to produce seized material in court as **Exhibit-8**. Seized material is in a plastic box with pink colour cap. It is marked **Material Exhibit-I**.

On the direction of court, the box was opened. It was found containing two paper slips mentioning MR No. 01/2018 & 01/2018. Inside the box, there were two small plastic boxes and one bullet. Both boxes were wrapped with markin cloth, which were damaged by rats.

In one box, there was blood stain soil which is marked **Material Exhibit-II**.

Second box is empty. It is marked **Material Exhibit-III**.

In big box, a bullet was also found which allegedly was brought out from dead body of deceased. It is **Material Exhibit-IV**.

In cross he deposed that he has no personal knowledge about the case.

(s)

PW 21 – Satyendra Mistry	PW 22 – Ajay Mistry
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Both independent witnesses just turned hostile and deposed that they heard that Chandrika Yadav was shot dead.

(t)

PW 23 – Sunita Devi	PW 24 – Kanti Devi	PW 25 – Rajendra Sao
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Independent witnesses- just turned hostile and deposed that they heard that deceased was shot dead.

In cross they deposed that they heard that one extremist leaflet was also recovered. Place of occurrence was highly extremists affected area.

6. (a)

Present accused is not name in the FIR.
As per some PWs who reached place of occurrence after hearing about the occurrence, categorically deposed that PW-1 there at the place of occurrence was shouting about accused persons involved in this murder. But there this PW-1 allegedly did not name present accused.
As per prosecution case, PW-1- is sole eye witness. He did not name present accused at first in his examination in chief. Later he added that present accused was also present at the place of occurrence. But role played by this accused has not been made clear.
Thus later addition of name of present accused by this sole eye witness- PW-1- seems after thought.
There is neither case nor proof of any conspiracy or presence of present accused at the place of occurrence at the time of murder.
There is just no other evidence as against present accused.

(b) It is a settled law that-

lesser the punishment, lighter the proof ;

higher the punishment, stricter the proof .

(c) It is a case of murder.

Punishment provided is quiter high.

Certainly standard of proof will be quite strict.

(d) In view of available evidence, this court is left with no option but to hold, find and adjudicate that prosecution has just failed to prove its case as against present trial facing accused person-Irfan.

7. (a) Under the premises, **sole accused - Irfanur Rahman @ Irfan** is held, found and adjudicated to be **not guilty** and accordingly stands **acquitted** from charged leveled against him.

(b) He is on bail.

He is discharged from bail bond as well.

(Dictated and corrected by me).

Sd/-

(Shambhu Lal Shaw)
Sessions Judge, Chatra
JO code-JH00410
31/07/2026

Sd/-

(Shambhu Lal Shaw)
Sessions Judge, Chatra
JO code-JH00410
31/07/2026

Dated; Chatra, the 31st day of July - 2026