

Court of District & Addl. Sessions Judge II, Gopalganj

FORM A

COURT OF DISTRICT & Addl. SESSIONS JUDGE-II, Gopalganj.	
Present:- Sri Kailash Joshi, District & Addl. Sessions Judge-II, Gopalganj	
<u>S.Trial- 260/2009</u>	
(Arising out of Gopalganj P.S Case No. 451/2000 dated 22.12.2000, u/s- 307, 324, 34, 120B IPC and sections 3/4 of the Explosive Substance)	
Complainant	STATE OF Bihar through Dhurandhar Pandey, Informant
REPRESENTED BY	Sri Upendra Rai , Ld. A.P.P.
ACCUSED PERSONS	1. Dharmraj Pandit S/o- Late Ugam Pandit, aged about 80 yers, R/O Village Banjari, P.S. Gopalganj, District Gopalganj, Bihar. 2. Amresh Sahi, S/o-Ramji Sahi, aged about 44 Years, R/O Village Balthari, P.S. Kuchaikot, District Gopalganj, Bihar. 3. Narvdeswar Pandit S/o- Dharmraj Pandit, aged about 34 years, R/O Village Banjari, P.S. Gopalganj, District Gopalganj, Bihar. 4. Banka Pandit, (died) his name is expunged vide order dated 15.07.2026.
REPRESENTED BY	Sri Abhishek Kumar Rai advocate for the defense.

FORM B

Date of offence	22-12-2000
Date of F.I.R.	22-12-2000
Date of Charge-sheet	18-08-2001
Date of Cognizance	25-08-2004
Date of Framing of Charges	20-01-2010
Date of commencement of evidence	09-04-2010
Date on which Judgment is reserved	12-08-2026
Date of Judgment	20-08-2026
Date of the Sentencing Order, if any	Acquitted

Court of District & Addl. Sessions Judge II, Gopalganj

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest/surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted
1.	Dharmraj Pandit	19-07-2002	14-08-2002	U/s 307/34, 324/34, and 12B IPC and section 3/4 of the Explosive Substances.	Acquitted
2.	Amresh Sahi	25.08.2004	25.08.2004	U/s 307/34, 324/34, and 120B IPC and section 3/4 of the Explosive Substances.	Acquitted
3.	Narvdeswar Pandit	20.10.2002	13.11.2002	U/s 307/34, 324/34, and 120B IPC and section 3/4 of the Explosive Substances.	Acquitted

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Bharatji Prasad	Other Witness
P.W. 2	Shambhunath Tiwari	Other witness
P.W. 3	Jagdev Pandit	Other witness
P.W. 4	Umesh Yadav	Other witness
P.W. 5	Dhurandar Pandey	Informant

B. Defence Witnesses, if any: NIL, C. Court Witnesses, if any:- NIL

LIST OF PROSECUTION / DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit A	Certified copy of final decree in T.S. 162/84

B. Defence: NIL, C. Court Exhibits: NIL, D. Material Objects: NIL.

Court of District & Addl. Sessions Judge II, Gopalganj

J U D G M E N T

1. Accused persons namely **1. Dharamraj Pandit, 2. Amresh Sahi, 3. Banka Pandit, and 4. Narvdeswar Pandit,** were sent up for trial on the basis of report under Section **u/s- 307, 324, 34, 120B IPC and of the 3/4 Explosive Substance** of the Code of Criminal Procedure, 1973 (Cr.P.C) upon conclusion of investigation into First Information Report of **Gopalganj P.S Case No. 451/2000 dated 22.12.2000, u/s- 307, 324, 34, 120B IPC and sections 3/4 Explosive Substance.** During trial one of the accused died whose name was **Banka Pandit, (died) so, his name is expunged vide order dated 15.07.2026.**
2. Prosecution case as stated in the written application of informant Dhurandhar Pandey was coming from State Bank Chowk on his motorcycle and as soon as he reached near the petrol-pump of Amaresh Shahi on N.H.-28, two persons came there and hurled bomb on the informant which caused injuries to the informant. That when the informant tried to go ahead on his motorcycle 2-3 accused after coming out from the Servicing Center hurled bomb on the informant but that bomb fell down on the ground. That due to bomb explosion, the informant sustained injuries on his left leg, hand and face. Hence, the present FIR.
3. Cognizance of the offence has been taken on two different dates. On **25.08.2004** cognizance of the offense have been taken against accused persons namely **1. Dharamraj Pandit, 2. Amresh Sahi, 3. Narvdeswar Pandit U/s- 307, 324, 34 IPC and sections 3/4 Explosive Substance.**
4. After investigation I.O. found the case true and submitted Charge-sheet **U/s 307/34, 324/34, and 120B IPC and section 3/4 Explosive Substances.** On the basis of Charge-sheet **C.J.M Gopalganj** took cognizance **U/s 307, 324, 34, IPC and sections 3/4 of the Explosive Substance.** against the accused persons and after appearance of the accused persons C.J.M., Gopalganj complying with Section 209 Cr.P.C. committed the case record on 27-05-2015 to the Court of Principal Sessions Judge, Gopalganj, for trial and ultimately this case record came to D.A.J.-II for trial and disposal on 20-09-2025.

Framing of Charge

5. After hearing the **Sri Upendra Rai Ld. A.P.P.** for the State and the learned counsel for the accused, charge for the commission of offence punishable **under Sections 307/34, 324/34, and 120B IPC and section 3/4 of the Explosive Substances** on **1. Dharamraj Pandit, 2. Amresh Sahi, 3. Narvdeswar Pandit** were framed on 22-01-2010 to which the accused person did not plead guilty and claimed for trial. During trial one of the accused died whose name was **Banka Pandit, (died) so, his name is expunged from this case vide order dated 15.07.2026.**

Statement of Accused

6. After conclusion of prosecution evidence, statement of the accused persons U/s 313 of Cr.P.C was recorded on **02-12-2014** wherein the accused persons namely **1. Dharamraj Pandit, 2. Amresh Sahi, 3. Narvdeswar Pandit** denied the correctness of all the incriminating circumstances appearing in the evidence against him and stated that he has been falsely implicated in the case. During trial one of the accused died whose name was **Banka Pandit, (died)** so, **his name is expunged from this case vide order dated 15.07.2026.**

FINDINGS

Prosecution Witnesses

7. To prove the above-mentioned charge against the accused, the prosecution examined altogether 05 witnesses in the case namely **P.W.1 Bharatji Prasad, P.W.2. Shambhunath Tiwari, P.W.3. Jagdev Pandit, P.W.4. Umesh Yadav, P.W.5. Dhurandar Pandey**, of the case have been examined.

Discussions of Prosecution Evidence

8. **P.W.1 Bharatji Prasad in his examination in chief** has stated that he has no knowledge of the incident and police has not recorded his statement. He has been declared hostile and not supported the prosecution case.
9. **P.W. 2 Shambhunath Tiwari in his examination in chief** has stated that he has no knowledge of the incident and police has not recorded his statement. He has been declared hostile and not supported the prosecution case.
10. **P.W 3 Jagdev Pandit in his examination in chief** has stated that he has no knowledge of the incident and police has not recorded his statement. He has been declared hostile and not supported the prosecution case.
11. **P.W 4 Umesh Yadav in his examination in chief** has stated that he has no knowledge of the incident and police has not recorded his statement. He has been declared hostile and not supported the prosecution case.
12. **P.W 5 Dhurandar Pandey** is the informant of the case he stated that occurrence was taken place on 22.12.2000 at 11:45 am he was at Mounia Chowk and when he was returning from depositing cash in SBI at N.H.-28 near to Amresh Sahi shop then some ammunition was exploded on his motorcycle and he has brought to hospital he has given the FIR and Rejendra Tiwari and Brajesh Tiwari signed as witness.

DEFENCE EVIDENCE

13. The accused lead no defence evidence in support of his defence.

Arguments of the Counsels

14. Heard the argument of the Ld. Counsels for the defense. It has been submitted that in this case informant of the case has not been examined due to his death although the informant was earlier examine on 23.01.2013 namely Dhurandhar Pandey but after his death he could not be produce for cross-examination. His death certificate has been filed by accused party and it has also been submitted that the other evidence which has been produced is not sufficient to make out any case against the accused persons. So, against the accused persons, the prosecution has not able to prove charges framed against them.
15. On the other hand **Ld. A.P.P. Upendra Rai** presenting the state has submitted that on the basis of evidence available in the case record, appropriate order to be passed.

CONCLUSION & SCRUTINY OF ORAL EVIDENCE

16. Currently three accused persons are facing the trial for the charge of section **307/34, 324/34, and 120B IPC and section 3/4 Explosive Substances**. One of the accused Banka Pandit has been died. Original FIR is not with the record. For the carbon copy communication was done but it has not been produce by Superintended of Police. In awaiting, the case cannot be prolonged when there is no evidence in the case record to proceed. The accused persons are entitle for speedy trial
17. Prosecution case as stated in the written application that informant Dhurandhar Pandey was coming from State Bank Chowk on his motorcycle and as soon as he reached near the petrol-pump of Amaresh Shahi on N.H.-28, two persons came there and hurled bomb on the informant which caused injuries to the informant. That when the informant tried to go ahead on his motorcycle 2-3 accused after coming out from the Service Center hurled bomb on the informant but that bomb fell down on the ground. That due to bomb explosion, the informant sustained injuries on his left leg, hand and face. Hence, the present FIR.
18. Since, in this case the trial was continue for a long time, the charges has been framed on 22.01.2010. So 16 years has been lapsed during trial but during that period only five witnesses was examined out of them P.W 1 is Bharatji Prasad he has not supported the prosecution case has been declared hostile, P.W 2 Sambhunath Tiwari he has not supported the prosecution case has been declared hostile, P.W 3 is Jagdev Pandit he has not supported the prosecution case has been declared hostile, P.W 4 is Umesh Yadav he has not supported the prosecution case has been declared hostile, P.W 5 is informant is of the case he has supported the case of the prosecution. He has been examined in the year 2013 but he has been

Court of District & Addl. Sessions Judge II, Gopalganj

differed for cross-examination but thereafter he has not turned up, in the meant time he died. So this evidence of the informant which has not been cross-examined cannot be taken as proved. During trial one of the accused died whose name was **Banka Pandit, (died)** so, **his name is expunged vide order dated 15.07.2026.**

19. The prosecution has miserably failed to prove the charge of Sections **307/34, 324/34, and 120B IPC and section 3/4 of the Explosive Substances** beyond the shadow of reasonable doubt against the accused persons **1. Dharamraj Pandit, 2. Amresh Sahi, 3. Narvdeswar Pandit.**

20. Therefore, the accused persons namely **1. Dharamraj Pandit, 2. Amresh Sahi, 3. Narvdeswar Pandit** are **acquitted from the Charge of Sections 307/34, 324/34, and 120B IPC and section 3/4 of the Explosive Substances.**

(Dictated to the Stenographer, transcript corrected, signed and then pronounced by me on this date the 20th Day of August, 2026)

Dictated and corrected by me

Dictated and corrected by me

(Kailash Joshi)
Additional Sessions Judge-II,
Gopalganj
20.08.2026

(Kailash Joshi)
Additional Sessions Judge-II,
Gopalganj
20.08.2026