

Patna High Court

Tarni Mandal vs The State Of Bihar on 18 September, 2025

Author: Anshuman

Bench: Anshuman

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (DB) No.440 of 2016

Arising Out of PS. Case No.-103 Year-2014 Thana- SHAHKUND

District- Bhagalpur

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Mandal son of Late Devi Mandal @ Hebi Mandal Resident of village -
Khulni, Police Station - Shahkund, District - Bhagalpur.

... .. Appellant/s

Versus 1. The State Of
Bihar 2. Devendra Kumar @ Devendra Singh S/O Late Harivansh Singh
R/O Vill.- Dariyapur, P.S.- Barhiya, Dist.- Lakhisarai. At
Present BMP-15 Company- A, Hawaldar, P.S.- Shahkund, Distt.-
Bhagalpur. 3. Priti Kumari W/O Late Avinash Kumar R/O Vill.-
Maniyar Chak, P.S.- Muffasil, Distt.- Munger.

... .. Respondent/s

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Appearance : For the Appellant/s : Mr. Abdul Mannan
Khan, Advocate Mr. Md. Najmul
Hodda, Advocate Mr. Binay
Kumar, Advocate For the Respondent/s : Mr.
S.N.Prasad, APP For Respondent No.3 : Ms. Surya
Nilambari, Amicus Curiae (Wife of deceased)

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CORAM:
HONOURABLE MR. JUSTICE BIBEK CHAUDHURI and

HONOURABLE MR. JUSTICE DR. ANSHUMAN CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE DR. ANSHUMAN) Date : 18-09-
2025

By this appeal, appellant/convicted
accused Tarni Mandal is challenging the judgment of
conviction and order of sentence dated 29.03.2016 and

02.04.2016 respectively, passed by the learned 2nd Additional Sessions Judge-cum-Special Judge, Bhagalpur, in Sessions Trial No.267 of 2015 Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 2/42

(S.C./S.T.)/Sessions Case No.521 of 2015, arising out of Shahkund Police Station Case No.103 of 2014, thereby convicting him imprisonment for two years for the offence punishable under Section 353 of the Indian Penal Code, imprisonment for three years apart from imposition of fine of Rs.1,000/- (one thousand) under Section 332 of the Indian Penal Code, imprisonment for one month under Section 334 of the Indian Penal Code, rigorous imprisonment for life apart from imposition of fine of Rs.10,000/- (Ten thousand) under Section 302/34 of the Indian Penal Code, imprisonment for one year under Section 27 of the Arms Act and further imprisonment for life apart from imposition of fine of Rs.5,000/- (Five thousand) under Section 3(2)(v) of the of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act'). In default of payment of fine the appellant has to undergo a further imprisonment for one year. All the sentences shall run concurrently. The period undergone shall be counted in the conviction.

2. The case of the prosecution, as unfolded by the First Information Report, may, in brief, be described as under: Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025

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(i). My name is Devendra Kumar son of Harivansh Singh, vill- Dariyapur, P.S. Barhiya, District Lakhisarai. I am working as a Havaladar in Company (A) of BMP-15 and at present I am posted as Guard Hawaldar at Sahkund Police Station. I have given my statement today, i.e., on 23.06.2014, at about 11:00 PM, in the campus of J.L.N.M.C.H., Bhagalpur, before the Police Station Officer Shahkund that today, i.e., on 23.06.2014, at 5:00 PM, I along with S.I., Avinash Kumar, Constable No.541 Kumar Kaushalendra, Constable No.49 Navnit Kumar, Constable No. 499 Ranjit Kumar and Constable No.39 Navin Kumar left for evening patrolling by

Government Jeep and was patrolling in the police station area. During patrolling, reached at Panchrukhi market on 20:15 O'Clock. On reaching there, the accompanying officer got information that about 10-15 minutes ago, four criminals including one old person, namely, Tarni Mandal, of Khulni and three persons, aged about 25 to 26 years, were brandishing pistol in their hands at the Chowk. Due to this, the people of Panchrukhi market were in great panic. It was told about these four persons that these people went ahead of Khulni road towards the north footpath. On this information, the accompanying officer ordered the jeep driver to move on Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025

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road. The officer ordered to stop the vehicle at the place, where the footpath from which the information about crime was given, meets the road towards North footpath. He was instructed to walk cautiously on the footpath from west to south without making any noise and without switching on the torch. After walking about half a kilometer, the voice of some people talking together was heard. S.I., Avinash Kumar instructed to cordon off the area. When we reached near the place, S.I. Avinash Kumar switched on the torch in the direction of the sound. In the light of the torch, we saw that four persons were walking, in which one young man was wearing kurta pajama and three other 25-26 years old were wearing pant-shirt and holding pistol in their hands. On seeing police party, they started to flee and the officer instructed them to stop them with force, in which the middle aged accused person running back was caught by the officer. Seeing this, other criminals ran away for some distance and then, fired a shot in our direction. After taking position, we were instructed by S.I. Avinash Kumar to take position. The S.I. Avinash Kumar told the criminals that "I am Avinash Kumar, Sub-Inspector of Shahkund Police Station. I order you to surrender, but the criminals denied this by saying that Sala Dhobi Daroga, run away or you will be killed. Saying this the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025

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fired a shot on us, due to which we narrowly escaped.

After being asked, again the criminals started firing. When this did not have any effect, Avinash Kumar to save his and his colleagues life fired a shot from his service pistol at the criminals. The criminals fired another bullet which hit the nose of the officer Avinash Kumar, due to which he sustained grievous injury and hot blood started oozing out, due to which the body of the arrested accused also got stained with blood in huge quantity. Seeing the serious injury of the officer after being shot, for my and my jawan's safety, I fired four bullets from my service INSAS rifle at the criminals, due to which the criminals left their position and started fleeing. They were chased by the jawans, but seeing the grievous injury on the officer and to protect their lives, I took S.I. Avinash Kumar in injured condition along with arrested accused boarded in the jeep and left for Shahkund Primary Health Sub-Center. Due to which, the other criminals succeeded in escaping. On the way, on being asking the name and address of the arrested criminals, he revealed his name as Tarani Mandal. Tarani Mandal told the names of his colleagues, who fled away, were Tipu Yadav, Sanjay Yadav @ Sanjeet Yadav, Sintu Yadav. On reaching Primary Health Center, Shahkund, the doctor referred him to Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025

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Hospital for better treatment. When we brought the injured officer, S.I., Avinash Kumar to J.L.N.M.C.H., Bhagalpur, he was declared brought dead by the medical staff. (ii). Statement of Havaladar Devendra Singh (PW 4), posted as Guard Hawaldar at Sahkund Police Station at the time of incident, was recorded by Parshuram Singh, S.H.O. (PW 10) and treating the same as First Information Report, Sahkund P.S. Case No.103 of 2014, under Sections 334/34, 302/34, 353/34, 307/34 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act on 23.06.2014

at J.L.N.M.C.H., Bhagalpur Campus, was registered against four accused persons including the present appellant.

3. During investigation, inquest was held over the dead body of deceased S.I. Avinash Kumar, which was also subjected to post mortem examination, and on completion of investigation, charge sheet was laid, under Sections 334/34, 302/34, 353/34, 307/34 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act against appellant/accused and two others.

4. At the Trial, charges, under Sections 302/34, 353/34/ 307/34, 332/34 of the Indian Penal Code, 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act, were Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 framed on 15.03.2016 against three accused persons including the present appellant, on which they pleaded not guilty.

5. In support of their case, prosecution has examined altogether 16 (sixteen) witnesses shown in the tabular chart with their status are as follows:

1. *Bablu Sharma Hostile*

2. *Shivnandan Mandal Hostile*

3. *Chamak Lal Mandal Hostile*

4. *Havaldar Devendra Singh Informant/Eyewitness*

5. *Kumar Kaushlendra Eye-witness*

6. *Navin Kumar Eye-witness*

7. *Navnit Kumar Eye-witness*

8. *Ranjeet Kumar Eye-witness*

9. *Dr. Sandeep Lal Post mortem report*

10. *Parshuram Singh I.O.*

11. *Sahoo Yadav Seizure-list witness,*

12. *Bhavishya Kumar Seizure-list witness,*

13. *Rajesh Kumar Ranjan*

14. *Md. Ziyaul Haque Seizure-list witness,*

15. *Sikandar Mandal Seizure-list witness,*

16. *Ram Kumar Singh Proved formal FIR The Accused during their examination under Section 313(1)(b) of the Cr.P.C. denied the allegations and no evidence was adduced by the defence.*

6. The Trial Court found the appellant Tarni Mandal guilty of the charges under Sections 302/34, 353/34/ 307/34, 332/34 of the Indian Penal Code, under Section 27 of Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 the Arms and under Section 3(2)(v) of the SC/ST Act and convicted accordingly. Following his conviction, sentence has been passed against the convicted accused/appellant as mentioned above. However, giving benefit of doubt to co- accused Sintu Yadav and Sanjay Yadav @ Sanjiv Yadav, the Trial Court had acquitted them from all charges.

7. Being aggrieved and dissatisfied by his judgment of conviction and order of sentence, the convicted accused/appellant has preferred this appeal.

8. We have heard Mr. Abdul Mannan Khan, learned Counsel, appearing on behalf of the appellant, Mr. S.N. Prasad, learned Additional Public Prosecutor appearing on behalf of the State and Ms. Surya Nilambari, learned Amicus Curiae, appearing on behalf of respondent No.3, the wife of the deceased.

9. Learned Counsel for the appellant has raised the points in favour of the appellant that the present appellant Tarni Mandal was admittedly apprehended by the officer (Avinash Kumar) before the alleged occurrence of exchange of

firing between the miscreants and the police party. In support of his contention, he submits that FIR has been narrated by the Hawaldar (PW 4, an eyewitness) to the SHO (I.O. & PW 10). Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 The relevant extract of FIR (Ext-6) are as follows:

"On seeing police party, they started to flee and the officer instructed them to stop them with force, in which the middle aged accused person running back was caught by the officer. Seeing this, other criminals ran away for some distance and then, fired a shot in our direction. After taking position, we were instructed by S.I. Avinash Kumar to take position. The S.I. Avinash Kumar told the criminals that "I am Avinash Kumar, Sub-Inspector of Shahkund Police Station. I order you to surrender, but the criminals denied this by saying that Sala Dhobi Daroga, run away or you will be killed. Thereafter one firing made by deceased, in retaliation one fire was made by the miscreants upon deceased, which he received on his nose and bleeding started due to which the cloth of the apprehended accused was also stained with blood. When the informant was returning to the Hospital then the apprehended accused had disclosed his name as Tarni Mandal and also disclosed the name of other accused persons, who fled away from the spot, as Tipu Yadav, Sanjay Yadav and Sintu Yadav. The said FIR has been marked as Exhibit-6."

Counsel for the appellant also submits that on the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 said FIR all the four witnesses had also put their signature who are said to be the eyewitness, i.e., Pws 5, 6, 7 & 8.

10. Learned Counsel for the appellant further submits that the Trial Court has not considered this aspect of the matter that the appellant was apprehended by the S.I. Police Avinash Kumar (deceased) himself. He further submits that at the time of murderous assault and sustaining firearm injury by the deceased, the appellant was in his custody and his apparel was soaked with blood. He further submits that the miscreants, at the time of firing, abused the S.I. of police by his caste name and threatened to go back. He further submits that the Trial Court has not considered this aspect of the matter that the present appellant was arrested with empty hand. No arm was ever seen with him. He further submits

that the Trial Court has also failed to consider that the S.I. of Police (deceased) was abused by caste name by the other miscreants and not by the appellant, therefore, the provision of SC/ST Act shall not attract against the appellant. He further submits that the occurrence of firing took place in the spur of moment after arrest of appellant by other co-accused and it was not pre-planned. He also submits that there is no evidence on record to show that there was any pre-planning or conversation took place between the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 appellant and other accused persons for committing the murder of S.I. Avinash Kumar. He submits that the statement made under Section 313 Cr.P.C. has not been taken into consideration by the Trial Court. He submits that the prosecution has tried to improve his case by saying that appellant Tarni Mandal was arrested after firing, but in proving such fact there are series of contradictions, which shows that the present appellant is completely innocent and has committed no offence. No weapon used in the crime has been recovered nor any place of occurrence proved nor any motive nor any act or overt-act or violation of law alleged against appellant. The prosecution has totally failed to prove its case against the appellant. He submits that Section 34 of the Indian Penal Code is not applicable in the present case at all. The offence under Section 3(2)(v) of the SC/ST Act as well as offence under Section 27 of the Arms Act has no applicability in the present case. Similarly, there is no ingredient found under Sections 302, 307, 353 and 332 of the Indian Penal Code against the present appellant. He further submits that other co-accused have been acquitted granting the benefit of doubt, but the present appellant has been convicted in spite of the fact that there is no proof of committing offence beyond all reasonable doubts and, hence, he submits that the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 present appellant deserves acquittal.

11. Learned Amicus Curiae appearing on behalf of respondent No.3, on the other hand, submits that the prosecution has proved his case beyond reasonable doubts by virtue of the evidence of eyewitnesses PWs. 4 to 8, who were chasing the criminals and have identified one of the criminal as Tarni Mandal (appellant), the proof of firing from both sides in which the deceased sustained a fatal injury around his nose has been proved. Counsel for respondent No.3 further submits that PWs. 4 to 8 in their examination-in-chief have supported the prosecution story and had testified that the appellant was caught on the spot. Counsel submits that the evidence of PWs. 4 to 8 are unambiguous on the fact that the S.I. Avinash Kumar shot dead by fire-arm, appellant apprehended whereas the appellant's associates managed to escape. Counsel submits that the defence in the cross-examination has not raised any doubt about the presence of PWs. 4 to 8 at the place and time of occurrence. They being the eyewitness of the occurrence proved the case. Counsel relied on the finding of judgment that ocular evidence is the best evidence which has been held in the case of Shahaja Vs. State of Maharashtra [(2023) 12 SCC 558]. Learned Amicus Curiae submits that there is no reason to doubt the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 testimony of PWs. 4 to 8, who have rendered direct and clear evidence that appellant was caught from the spot after exchange of fire between the parties.

12. Learned Counsel for respondent No.3 further submits that it is true that weapon has neither been seen in the hand of the appellant nor it has been recovered. But Section 34 of the Indian Penal Code, i.e., common intention, is applicable in the present case. Counsel submits that lack of clarity as to the distinct identity of the person, who fired the fatal shot, will not inure the benefit of the appellant as it is well settled that when a criminal act is done by several persons with common intention, each of them is liable for that act as it has been

done by him alone and once common intention is established it will be immaterial that the appellant may not have used the weapon in the light of the judgment of Hon'ble Apex Court in the case of State of M.P. Vs. Ramji Lal Sharma reported in (2022) 14 SCC 619. Learned Counsel for the appellant further relied on another judgment of Hon'ble Apex Court in the case of Ram Naresh Vs. State of U.P. reported in (2024) 1 SCC 443, which states that a reading of Section 34 of the Indian Penal Code reveals that when a criminal act is done by several persons with a common intention each of the person is liable for that act as it Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 has been done by him alone. Therefore, where participation of the accused in a crime is proved and the common intention is also established, Section 34 IPC would come into play. Counsel submits that it is not necessary that there must be a prior conspiracy or premeditated mind; rather the common intention can be formed even in the Course of the incident, i.e., during the occurrence of crime. Counsel submits that it is true that there is minor discrepancies exists between the fardebayan and the statement made by the informant PW 4 in Court which itself not proved under Section 145 of the Evidence Act. Counsel submits that Section 145 of the Evidence Act deals about the provisions relating to cross-examination as to the previous statement in writing. Counsel submits that PWs. 4 to 8 in their deposition have stated that appellant was caught after the firing started and after deceased was shot. The informant, PW 4, was not confronted with the statement made in the FIR and the cross- examination. As such, raising discrepancies at the stage of argument and at the appellate level are immaterial and of no use for the appellant. Counsel relied on the judgment of State of Rajasthan Vs Chatra (Criminal Appeal No.586 of 2017 decided on 18.03.2025), whose para-19 states that the question that arises for consideration is whether this contradiction in the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 FIR versus the statement made in Court is material, in as much as to

discredit his statement, thereby landing a fatal blow to the prosecution case. In this regard a Constitutional Bench in the Kartar Singh Vs. State of Punjab reported in (1994) 3 SCC 569 alleged that the purpose of cross-examination is to discredit the witness/elicit facts from person, which may favour the other party. Learned Counsel further submits that the same position of law has been held in the case of Sanjeev Kumar Gupta Vs. State of U.P. reported in (2015) 11 SCC 69 where there was a discrepancies made in the FIR and deposition in the Court it was held that whether the discrepancies is material or not so is a determination to be made in the facts and circumstances of the case. Counsel for respondent No.3 has concluded his argument with submission that in the light of the clear and consistent ocular evidence rendered by PWs. 4 to 8, it is humbly submitted that the conviction and sentence of the appellant be upheld.

13. Learned Counsel for the State-respondent submits that in the present appeal which has arisen from a Sessions Trial was initiated against three persons including the present appellant, benefit of doubt has been granted against two accused persons whereas the appellant has been held guilty on the basis of well considered judgment and by virtue of five Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 eyewitnesses, i.e., PWs. 4 to 8, before whom the fatal shot by fire-arm was made on the S.I. Avinash Kumar (deceased), due to which he died by gun shot fired by the accused persons. Out of four, one was apprehended from the place of occurrence; whereas three were fled away. Blood stain was found on the wearing apparel of the apprehended accused (present appellant) though arms were not recovered. But under the provision of Section 34 IPC there is no need of any recovery of arms, when the act has been done in furtherance of their common intention. He submits that post mortem report also supports that injury of the deceased has been caused due to gun shot which the deceased suffered on his neck. He submits that in

every aspect of the matter, this judgment is full proof. There is no scope of any interference in the said judgment of conviction and order of sentence. Therefore, he submits that the present appeal be dismissed and the judgment of conviction and order of sentence dated 29.03.2016 and 02.04.2016 respectively, passed in Sessions Trial No.267 of 2015 (SC/ST)/Sessions Case No.521 of 2015 be affirmed.

14. After hearing the parties as well as upon perusal of the lower court records, it transpires that there are in total 16 witnesses in the present case. PWs. 1, 2 and 3 have been Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 declared hostile. Pws.4, 5, 6, 7 and 8 are the eyewitness to the occurrence in which PW 4 is the narrator of the FIR, PW 10 who is the SHO and the I.O. of this case as well as is writer of the fardbeyan. PWs. 5, 6, 7 and 8 are the FIR witnesses. They have put their signatures on the FIR, PW 9 is the doctor, i.e., autopsy surgeon, who had conducted the post mortem examination on the dead body of the deceased S.I. Avinash Kumar. PWs.11 to 16 are the seizure list witnesses. In addition to that there are six exhibits. By virtue of Exhibits-1, 1/1, 1/2 and 6, the entire FIR and the signatures of the eyewitnesses, i.e., PWs.4, 5, 6, 7 and 8 made on the FIR have been exhibited. Ext- 2 is Seizure-list, Ext-3 is FSL report, Ext-4 is Signature of Director on the FSL report and Ext-5 is the Post mortem report.

15. Before we come to the ocular evidence on record, we deem it fit to take note of the medical evidence adduced by the prosecution. We notice that according to the evidence of PW 9 Dr. Sandeep Lal, who had, admittedly, conducted, post mortem examination on the dead body of SI Avinash Kumar, on 24.06.2014, at about 9:15 AM, found following ante mortem injuries on the said dead body:

"(i) An wound of entry with inverted margin. Margin were burned and charred. There was mark of tattooing Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-

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situated over right nostril. Just over opening right sided ala of nose found lacerated and ruptured. On dissection prestile found to enter inside cranium.

(ii) One Metallic distracted bullet received from brain tissue handed over to concerned constable under sealed cover.

(iii) Opinion- Above noted injury was anti mortem and caused by fire-arm weapon. This injury was dangerous and grievous in nature.

(iv) Cause of death-

Haemorrhage and shock.

(v) Time since death- 06 to 18 hours prior to post mortem examination."

16. In the opinion of the doctor, cause of death was anti mortem injury caused by fire-arm weapon. The injury was grievous and cause of death was shock and hemorrhage inside the brain as a result of the above injury. Time elapsed since death being 6 to 18 hours prior to post mortem examination.

17. The prosecution has produced 16 witnesses in support of its case, out of which PW 1 Bablu Sharma has been declared hostile, he said that he does not know anything Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 about the incident and PW 2, Shivnandan Mandal, has said that he did not give any statement. He was also declared hostile by the prosecution. He did not see the incident and did not give any statement to the police. PW 3, Chamak Lal Mandal, has also been declared hostile by the prosecution.

18. PW 4, who is Havaldar Devendra Singh, the informant of this case, has said in his evidence that the incident took place at 8:15 PM on 23.06.2014. He was on

deputation at Shahpur police station. He deposed in his deposition that when he went out for patrolling at 5:00 PM with S.I. Avinash Kumar, and when he reached near Panchrukhi turn, he saw that 40-50 people had gathered. On seeing the police party, they all said that the criminal had gone ahead to commit the crime five minutes ago. The SI asked the driver to turn the vehicle, and when they reached the footpath of the village, they saw that the criminal had gone ahead. When they moved ahead on the orders of S.I. Avinash Kumar, they saw that the Inspector gave the order to block the road and asked the criminals to surrender. But the criminal fired a shot. Then the S.I. also fired a shot from his service revolver. Then the criminal fired again, which hit the S.I. Avinash Kumar's nose. Thereafter, the informant fired four rounds from his rifle. The criminals started running. The Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 apprehended accused, Tarani Mandal, said that three other criminals were with him, namely, Sintu Yadav, Sanjay Yadav, and Topla alias Topal Yadav. S.I. Avinash Kumar was brought to Shahkund hospital for better treatment. From there, he was referred to Mayaganj Hospital. The S.I. died during the treatment. He further deposed that he recognized the accused.

In paragraph-2 of cross-examination, it has been specifically narrated that no one had seen that who fired but it has been specifically stated that the person who was caught had been caught by Navanit (PW 7) and the arrested person did not have any weapon. In his cross-examination, he deposed that from the place of occurrence, one person was apprehended, and that person disclosed the names of the other accused persons. He also deposed that S.I. Avinash Kumar was in the front and they were 10 steps behind. He also deposed that they fired four rounds. One shell was found and three were not found. The bullet from the S.I.'s pistol was found. The S.I. was taken away in a jeep. He was injured and no conversation took place with the injured. The police station was informed

about the incident via mobile. The police station in-charge, Parshuram Singh, went and recovered the items after the incident. The man who was caught did not have any weapon.

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19. PW 5, Kumar Kaushalendra, was also a member of patrolling party and has supported the statement of the informant.

In his cross-examination, he deposed that he did not remember how much time he stayed in Shahpur. For patrolling, he went at 5:00 PM and reached Pachrukhi at 7.45 PM. The footpath was eight feet wide. The criminals had left from Pachrukhi market. The S.I. was ahead; they were behind him. The night was dark. A shot was fired, which hit S.I. He did not see who fired the shot from there. He saw the S.I. getting shot and falling. He also deposed that it is not that he had given a wrong statement.

20. PW 6, Naveen Kumar, too has supported the statement of the informant and Kumar Kaushlendra. He said that he know Tarani Mandal but he does not know others.

In his cross-examination, he said that when they reached Pachrukhi market at quarter to eight, they were armed, but did not use it, the constable did, the man who was caught by Navneet. The arrested man did not have any weapon.

21. PW 7, Navneet Kumar, deposed that the incident took place on 23.6.2014 at 7:45 PM. He was a member of the patrol team. The crowd told that some criminals had gone Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 to the area. S.I. Avinash asked us to search for them and they parked their vehicle there and proceeded on the footpath. The S.I. asked the criminal to surrender then the criminals said that "S.I. Dhobi Run away or you will be killed."

He fired at the S.I. The S.I. also had a pistol and fired. The criminal fired again and the bullet hit S.I. The constable fired four bullets. The criminals fled away and Tarani Mandal was caught. From there, the injured S.I. was brought to Shahkund in a jeep and from there, he was brought to Mayaganj Hospital, where he died. He recognize the accused Tarani Mandal but did not recognize others.

In his cross-examination, he deposed that there was a huge crowd in Pachrukhi market. On hearing the testimony, it was found that the criminals were carrying weapons, they were moving ahead on the footpath, they heard the sound of a bullet, the bullet came in front of them. They all together caught the accused, the S.I. got shot and at that time he caught the accused who did not have any weapon.

22. PW 8, Ranjit Kumar, has also fully supported the incident and has said that when the S.I. asked the crowd, the crowd told that four criminals were going from that side, the S.I. asked to chase them and when the S.I. asked the criminal to Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 surrender, the accused said the S.I. to run away or else you will be killed and after that the criminal fired, the S.I. also fired from his pistol then the shot came from that side which hit the S.I.. He fell there. The constable also fired four bullets. Accused Tarani Mandal was caught and others fled away. They brought the S.I. in the vehicle to Shahkund and from there for better treatment to Mayaganj, but he died there. He further deposed that he had given statement to the police that he recognize the accused Tarani Mandal.

In his cross-examination, he deposed that it was a dense night, he could not find out who was running where. He did not see anybody to fire. When the bullet hit the SI, then he came to know that SI was hit. From there he took the

S.I. to the hospital. He further deposed that the weapon was not recovered from the man who was caught.

23. PW 10 Parshuram Singh is the Investigating Officer of this case and the Station House Officer (SHO) at Shahkund Police Station on the date of the incident. He deposed that on that day, B.M.P. 15 Jawan Devendra Kumar approached him at Mayaganj Hospital and gave his statement. The statement was forwarded to Shahkund Police Station for registration of the case. He further deposed that on 24.06.2014, at 10:00 a.m., he Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 went for a raid along with the arrested accused and reached the house of the accused Tipu alias Tepla, who was found absconding. The statements of patrolling team constables Kumar Kaushalendra, Navnit Kumar, Ranjit Kumar, Navin Kumar, Bablu Sharma, and Chamak Lal Mandal were recorded. All of them supported the occurrence of the incident. He stated that the place of the incident is Kunni Balachak Dam, located in the Ramni Bahiyar of Pachrukhi Bahiyar. The place of occurrence is situated 50 yards from a date palm tree, with two acacia trees to the east, the fallow land of Hyder Ali nearby, and the fallow land of Upendra Mandal to the west. The witness confirmed that the recorded statements were written in his own handwriting and bore his signature. These have been marked as Exhibit-1/1. On the instructions of his senior officer, and having found the allegations to be true, he submitted charge sheet under Sections 302, 307, 332, 333, 353/34 of the IPC, Section 27 of the Arms Act, and Section 3(2)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The seizure list was also in his handwriting and signed by witnesses Sikandar Mandal and Jiaul Haque. During the investigation, blood-stained soil and a 5.56 mm bullet shell were recovered. Additionally, a 9 mm bullet shell, a red-coloured gamchha with Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 a green border, a blue

jeans pant with "modpar" written on it, and a left foot slipper with "A.D.R." inscribed on it were recovered. These items were marked as Exhibit-2. Blood-stained clothes belonging to the accused Tarani Mandal were also recovered. This witness identified all the accused who were present in the court.

In cross-examination, the witness admitted that he did not prepare a map of the crime scene. He confirmed that members of the raiding team and the accused Tarani Mandal were with him during the raid. He also stated that the other accused, Sanjay alias Sanjiv Yadav, was arrested on the same night. He clarified that the second seizure list was not prepared by him. He saw Tarani Mandal for the first time at Mayaganj Hospital and concluded the investigation afterward. The seized articles were sent for forensic examination. He also recorded the statement of Tarani Mandal at the police station. The witness denied that his investigation was flawed.

24. PW 11, Sachho Yadav deposed that SI Avinash Kumar was murdered. He confirmed that the seizure was made in his presence and marked as Exhibit-2/1. He further stated that blood-stained kurta-pajama was recovered in front of him.

Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 During cross-examination, the witness reiterated that a blood-stained wearing apparel was recovered in his presence.

25. PW 12, Bhavishya Kumar, has deposed that the SI Avinash Kumar of Shahkund Police Station was murdered. He deposed that at the police station, a white cloth stained with blood was shown to him. One of the accused was present there and his clothes were also stained with blood. The witness confirmed that his signature appears on the seizure list, which has been marked as Exhibit-2/2.

In his cross-examination, the witness stated that he does not know the time at which the accused was brought to the police station. He further stated that he could not identify which accused had blood stains on his clothes. He further deposed that he could not say how many copies of the seizure list were prepared.

26. PW 13, Rajesh Kumar Ranjan (Present SHO of Shahkund Police Station) deposed that the FSL (Forensic Science Laboratory) exhibits were received from FSL Patna with proper seals. He deposed that the exhibits were produced before the Court in accordance with court's order. The paper tag attached to the cloth in which Exhibit No. 1 was wrapped Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 pertains to Shahkund P.S. Case No. 103/14, and bears FSL No. 1654/14. He further stated that the recovered articles were sent by the former SHO to the Director, Forensic Science Laboratory, Patna. He recognized the handwriting and signature of the former SHO. Both the exhibits bore the same FSL number. One sealed exhibit related to an INSAS rifle, while the other pertained to a pistol and sealed bullets. A smaller exhibit was in another box, marked by Police Station In-charge Parshuram Singh, with FSL Nos. 2 & 3 written on it. The INSAS rifle was wrapped in cloth, also sealed, bearing FSL No. 1654/14 and Shahkund P.S. Case No. 103/14, which the witness recognized. The pistol was sealed in a second wooden box and was marked as Exhibit-III. By order of the court, the cloth was removed from the pistol. The marking before BGP-6 on the pistol was not clear, but its serial number was 16106486, and it was related to Shahkund P.S. Case No. 103/14. He deposed that two bullet shells of 9 mm and two bullet shells of 5.56 mm were recovered. He recognized these as well and confirmed that they are also related to Shahkund P.S. Case No. 103/14, marked as Exhibit-V. He further deposed that the FSL report, bearing FSL No. 1654/2014 and P.S. Case No. 103/2014 dated 24.06.2014, was received.

The report bears the signature of the Director of Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 the Forensic Science Laboratory and is attached in two pages. It includes the signatures of Dilip Kumar, Senior Scientific Officer, and Umesh Kumar Sinha, Director, both from the Forensic Science Laboratory, Government of Bihar, Patna. The report has been marked as Exhibit-4.

In his cross-examination, he deposed that the FSL reports were opened in the court. According to the report, only bullets from the INSAS rifle and the pistol are mentioned. He further stated that the INSAS rifle was issued to Hawaldar Devendra Kumar, while the pistol was recovered near the body of S.I. Avinash Kumar, both of them are government-issued weapons.

27. PW 14, Md. Jiyaul Haque stated that the incident occurred some time ago. At that time, he was at home and heard that SI Avinash Kumar had been murdered. He further stated that a seizure list was prepared, on which he put his signature. This seizure list is marked as Exhibit-2/3.

In cross-examination, the witness admitted that no goods were seized in his presence. He also stated that the contents of the paper he signed were not written in his presence. He further deposed that who informed him about the murder of SI Avinash Kumar, he stated that he cannot say. Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025

28. PW 15 Mr. Sikandar Mandal are the formal witness. He deposed that he came to know about the occurrence after two days of the incident. He further deposed that no goods were seized in his presence. He had put his signature on the seizure-lists, which is exhibited as Exhibit-2/4.

29. PW 16 Mr. Ram Kumar Singh deposed in his examination that he had put signature on the formal FIR being SHO. He deposed that he know his signature.

The formal FIR was written by S.I. Parshuram. I know his writing and signature. The formal FIR has been exhibited as Exhibit-6. He deposed that the pagination on the written report was in his writing and signature.

In his cross-examination, he deposed that he had not investigated this case and has not taken statement of any of the witnesses. He deposed that at the time of occurrence he was posted as S.I. The S.H.O. had directed for pagination of the case.

30. For proper appreciation of the exact version of the ocular evidence of PW 6 at para-2 in cross-examination states as follows:

"tks vkneh idM+k x;k mls uouhr us idM+k Fkka ,d vkneh idM+k x;k mlds ikI gffk;kj ugha Fkka"

Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 PW 7 in paragraph-2 of his cross-examination categorically stated that the person who was caught has been caught by him and Daroga Sahab (deceased). It has further been stated that when Sahab received injury at that very time he had apprehended him (appellant Tarni Mandal). It has also been narrated that the arrested person did not have any weapon. For proper appreciation the actual version of the witness is hereby quoted below:

"ge vkSj lkgc feydj idM+s FksA lkgc dks xksyh yxh mlh le; mls idM+s FksA ftl vkneh dks idM+s mlds ikI gffk;kj ugha Fkka"

For better appreciation, the extract of cross- examination of PW 8 is quoted below:

"xksyh pykrs fdllh dks ugha ns[kk Fkka xksyh nkjksxk dks yxh rc irk pyk fd xksyh yx xbZ gSA HkhM+ ogk; ugha tqVh FkhA ogk; ls nkjksxk dks vLirky ys x;k Fkka ftl vkneh dks idM+s mlds ikI ls gffk;kj ugha cjken gqvk Fkka"

31. Here in the present case, PWs. 4, 5, 6, 7 and 8 are the eyewitness. They are the most competent and relevant witnesses, who have seen the occurrence and present at the place of occurrence. Upon conjoint reading of the evidences of all eyewitnesses, it has been extracted that PW 6 Navin Kumar has stated that Navnit has caught the said person (present appellant). Navnit (PW 7) has stated in the cross-examination Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 that he and deceased had caught the said person (present appellant) and when he (appellant) was caught then S.I. Avinash Kumar received gun shot injury. It transpires that it has been narrated by almost all the witnesses that weapon was not recovered from the appellant. It further transpires that the appellant was apprehended by the deceased and from the evidence of Navnit (PW 7) it becomes crystal clear that when the appellant was apprehended, the deceased had not suffered bullet injury on his neck, but he received injury thereafter. Therefore, only due to this reason blood stain was found on the wearing apparel of apprehended accused Tarni Mandal, the present appellant. The other evidence, which is relevant in the present case, is the evidence of PW 10, the I.O., who is the S.H.O. and was recorder of the FIR. He stated in his evidence that FIR had been narrated by the informant PW 4, witnessed by Pws.5, 6, 7 and 8. Specific statement has been made which is narrated to him, he has written the same and explained to PW 4 before PWs. 5, 6, 7 and 8, thereafter they put their signatures on the FIR as informant and FIR witnesses. The said FIR has been marked as Exhibit-6, signatures on the FIR have been marked as Ext-1, Ext-1/1 and Ext-1/2. PW 10 in paragraphs 1 and 3 accept that the said fardbeyan is in the writing of the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 I.O./SHO and narrated by PW 4 witnessed by Pws.5, 6, 7 and 8. The I.O. has found that huge blood stain was present on the wearing apparel of the apprehended accused (present appellant). It is due to this reason, the material which comes by virtue of FIR, in the present case, cannot be

ignored in our opinion. As during cross-examination, compliance of Sections 145 & 157 of the Evidence Act took place. With a view to appreciate the FIR and evidence of eyewitnesses (Pws.5, 6, 7 and 8), it is necessary to quote the relevant statements made in the fardbeyan itself, which states as follows:

"...iq0v0fu0 vfouk" k dqekj }kjk QSy dj ?ksjkcanh djus dk funsz" k fn; k x; k tc ?ksjkcanh dj geyksx vkokt ds utnhd ig; qps rks inkf/ kdkjh iq0v0fu0 vfouk" k dqekj ds }kjk vkokt dh fn" kk esa VkWpZ tyk; k x; kA VkWpZ dh jks" kuh esa ns[ks dh pkj O; fDr ftlesa , d v/ksj mez dk dqrkZ iStkek igus gq, ,oa rhu djhc 25&26 o'kZ ds mez dk IVZ iSUV igus gq, Fkka rhuksa ds gkFk esa fiLVy Fkk rFkk , dk, d iqfyl dks ns[k dj os yksx mRrj dh rjQ Hkkxus yxs ftldk ihNk inkf/ kdkjh ds funsz" k ij cy ds lkFk fd; k x; kA ftlesa fiNs Hkkxus okys v/ksM+ vijj/ kdehZ dks inkf/ kdkjh ds }kjk idM+ k x; kA ; g ns[k vU; vijj/ khyksx dqN nqj Hkkxus ds ckn iksth" ku ysdj geyksx ds rjQ , d Qk; j fd; kA inkf/ kdkjh iq0v0fu0 vfouk" k dqekj ds }kjk iksth" ku ysdj geyksx dks Hkh iksth" ku ysus dk funsz" k fn; k x; k Åph vkokt esa inkf/ kdkjh iq0v0fu0 vfouk" k dqekj ds }kjk vijj/ k; ksa dks cksyk x; k fd eSa " kkgdqaM dk njksxk vfouk" k dqekj gw ; A Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 vkiyksx dks vkns" k nsrk gw; fd vkReleiZ. k djsa ysfdu vijj/ k; ksa }kjk bls foijhr dgk x; k fd lkyk / kksch nkjksxk Hkkx tkvks ugha rks ekjs tkvksxsA bruk dgrs gq, vijj/ k; ksa }kjk , d Qk; j ge yksxksa ij >ksdk x; k ftlesa geyksx cky&cky cp x; sA iqu% inkf/ kdkjh }kjk vijj/ k; ksa dk vkReleiZ. k djus dk vkns" k fn; k x; k bldk dksbZ izHkko ugha gksrs ns[k iq0v0fu0 vfouk" k dqekj viuh , oa vius cy , oa vkus tkus okys xzkeh. kksa ds tku dh lqj{kk gsrq vijj/ kdehZ; ksa ij vius lfoZl fiLVy ls , d pØ xksyh pyk; k x; k] tckc esa vijj/ kdehZ; ksa }kjk iqu% , d Qk; j fd; k x; k tks inkf/ kdkjh iq0v0fu0 vfouk" k dqekj ds ukd ds ikl yxk ftlls os xEHkhj : i ls t[eh gks x; s , oa [kwu dk QCokjk cgus yxk ftlls idM+ k; k vijj/ kdehZ ds diM+ s ij Hkh [kwu dkQh ek= k esa yx x; kA.... "

32. Upon conjoint reading of the fardbeyan (Exts. 1, 1/1, 1/2 and 6) and the statement of the eyewitnesses (Pws.4, 5, 6, 7 and 8), we have reached on the conclusion that in the FIR it has been stated that appellant has been apprehended by the deceased, which has been fully supported by the statement of cross-examination of PW 7 that he (Navneet) and Sahab (deceased S.I. Avinash Kumar) have caught the appellant. I.O. (PW 10) has found huge blood stains on the clothes of the apprehended accused (present appellant), which he has narrated in paragraph-5 of his examination-in-chief and this statement is in consonance with the statement made in the FIR that due to injury caused to SI

Avinash Kumar bleeding started and the Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 huge blood stain comes on the clothes of the apprehended accused who is nonetheless but the appellant.

33. In the light of the appreciation of ocular evidence, we reached on the conclusion that the present appellant was apprehended prior to gun shot injury to the deceased and it has also come that prior to gun shot injury and after apprehension of the present appellant, accused persons abused to SI Avinash Kumar in the name of his caste, therefore, the allegation of abusing in the name of his caste by the appellant to the deceased (S.I. Avinash Kumar) and attracting the SC/ST Act is not proved against the appellant. Arms also not recovered from the possession of the appellant so no offence is made out under Section 27 of the Arms Act.

34. From the case record, it transpires that charges have been framed against the appellant under Sections 302/34, 353/34/ 307/34, 332/34 of the Indian Penal Code, 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act. Section 34 of the Indian Penal Code, 1860, talks about the act done by several persons in furtherance of a common intention which states as follows:

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 persons is liable for that act in the same manner as if it were done by him alone."

From the appreciation of the materials on record i.e., evidences oral and documentary, it transpires that the appellant was apprehended by the deceased and PW 7, prior to gun shot injury received by the SI Avinash Kumar, after apprehension the abusive languages used by the rest accused persons to the SI Avinash Kumar and thereafter the SI Avinash Kumar received injury due to which the heavy blood stains were found on the cloth of the appellant.

35. In the light of the recent judgments in the case of Vasant @ Girish Akbarasab Sanavale and Another Vs. the State of Karnataka reported in (2025) SCC Online SC 337 on Section 34 of the IPC, whose paragraphs 37, 38, 39, 40, 41, 48, 75, 76, 77 and 78 are relevant, from perusal of the aforesaid paragraphs it transpires to this Court that Section 34 of the IPC in the present case has no applicability at all.

36. Respondent No.3 has raised the question of applicability of Section 145 of the Evidence Act, in this regard it is necessary to quote Sections 145 and 157 which state as follows:

"145. Cross-

examination as to previous Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 statements in writing.- A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

157. Former statements of witness may be proved to corroborate later testimony as to same fact.- In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved."

37. In the case of Kalusingh Motisingh and Others reported in AIR 1964 MP 30, it has been held that when an eyewitness gives the earliest report, it can be used for his corroboration and in certain respects for contradiction as well. But when there is no first information which can be used for corroboration on details as is inevitable whenever it is given by Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 somebody other than an eyewitness, the case has to be considered on the evidence available without any bias. It has been further held

in the case of V.K. Mishra Vs. The State of Uttarakhand, reported in (2015) 9 SCC 588, in paragraph-19 the legal position with regard to Section 145 of the Evidence Act has been clearly explained which states as follows:

"19. Under Section 145 of the Evidence Act when it is intended to contradict the witness by his previous statement reduced into writing, the attention of such witness must be called to those parts of it which are to be used for the purpose of contradicting him, before the writing can be used. While recording the deposition of a witness, it becomes the duty of the trial court to ensure that the part of the police statement with which it is intended to contradict the witness is brought to the notice of the witness in his cross-examination. The attention of witness is drawn to that part and this must reflect in his cross-examination by reproducing it. If the witness admits the part intended to contradict him, it stands proved and there is no need to further proof of contradiction and it will be read while Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 appreciating the evidence. If he denies having made that part of the statement, his attention must be drawn to that statement and must be mentioned in the deposition. By this process the contradiction is merely brought on record, but it is yet to be proved. Thereafter when investigating officer is examined in the court, his attention should be drawn to the passage marked for the purpose of contradiction, it will then be proved in the deposition of the investigating officer who again by referring to the police statement will depose about the witness having made that statement.

The process again involves referring to the police statement and culling out that part with which the maker of the statement was intended to be contradicted. If the witness was not confronted with that part of the statement with which the defence wanted to contradict him, then the court cannot suo motu make use of statements to police not proved in compliance with Section 145 of the Evidence Act that is, by drawing attention to the parts intended for contradiction."

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38. Learned Counsel for the respondent No.3 had relied different judgments for applicability of Section 145 of the Evidence Act in the present case on the question of common intention in the case of State of M.P. Vs. Ramji Lal Sharma (supra), and further relied in the case of Ram Naresh (supra), these laws are good laws as held by Hon'ble Supreme Court, but in the present facts and

circumstances of the case, the prosecution has failed to establish common intention due to the reasons mentioned above and, hence, these two judgments cannot be used against the present appellant, more particularly, when the common intention has not been attracted. The judgments on which the respondent, who appeared through Amicus Curiae, relied are State of Rajasthan Vs. Chatra (supra) has no applicability at all due to the reason that the appellant was caught by S.I. Avinash Kumar prior to gun shot injury due to which he died. The said confrontation with the statement of the FIR has been made to all eyewitnesses in which PW 7 Navnit has narrated that he and Sahab (S.I. Avinash Kumar) caught the appellant and then S.I. Avinash Kumar received injury. The blood stain present on the clothes of appellant is also supported by Investigating Officer, who seized such clothes, and this fact comes in the light of cross made in Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 contradiction of the questions put by the defence from the statements of FIR, which Section 145 permits to do so and it is due to this reason the reliance that no confrontation has been made in the statement made in the FIR is not acceptable in the present case and it is due to this reason the judgments on which the counsel for the respondent No.3 (Amicus Curiae) relied shall not help in any manner.

39. We are of the view that the question of common intention has not arisen in the present case due to the reason that the use of weapons against the police party had been only after the present appellant had been separated from the rest of his team upon arrest by the police. It was then that the rest accused persons have decided to fire on the police party at spur of moment to save their skin in which there is no involvement/mens rea of the appellant at all. Hence, it is due to this reason, we are of the firm view that Section 34 of the Penal Code is not attracted in the present case against the present appellant.

40. So far as offence under Sections 353, 334, 332 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act are concerned, no ingredients of the offences described in these sections are Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 present in the facts and circumstances of the present case against the present appellant.

41. Considering the facts and circumstances of the case, we are of the view that the prosecution has failed to prove the charges under Sections 302/34, 353/34/307/34, 332/34 of the Indian Penal Code, 27 of the Arms Act and under Section 3(2)(v) of the SC/ST Act against the appellant.

42. In view of the above and for the reasons stated above, the appeal is allowed. The impugned judgment of conviction and order of sentence dated 29.03.2016 and 02.04.2016 respectively, imposed on the appellant/convicted accused by the learned 2nd Additional Sessions Judge-cum- Special Judge, Bhagalpur, in Sessions Trial No.267 of 2015 (SC/ST Act)/Sessions Case No.521 of 2015, arising out of Shahkund Police Station Case No.103 of 2014, are hereby quashed and set aside. The appellant is acquitted from all the charges levelled against him and he be set at liberty forthwith, if not required in any other case.

43. We put on record the words of appreciation for the able assistance rendered by Ms. Surya Nilambari, learned Amicus Curiae, to this Court in arriving at the proper conclusion for deciding this appeal. We direct the High Court Patna High Court CR. APP (DB) No.440 of 2016 dt.18-09-2025 Legal Services Committee to pay the admissible amount to Ms. Surya Nilambari, learned Amicus Curiae, for the services rendered by her.

44. Let the Lower Court Records be sent back to the learned Trial Court with a copy of this judgment and order. Bibek Chaudhuri, J: I agree (Bibek Chaudhuri, J) (Dr. Anshuman, J) Mkr./Ashwini/-

AFR/NAFR
Uploading Date
18.09.2025

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18.09.2025 Transmission Date

09.09.2025

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