

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1311 of 2019**

Arising Out of PS. Case No.-47 Year-2012 Thana- BARAUNI District- Begusarai

Rajeev Singh @ Rajeev Kumar S/o Late Bhola Singh R/o- Village- Bihat Tola
Khem Karanpur, P.S.- Barauni, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (DB) No. 1122 of 2019

Arising Out of PS. Case No.-47 Year-2012 Thana- BARAUNI District- Begusarai

Vinay kumar @ vinay singh son of late nunulal singh resident of village-
bihat ratan chowk, p.s.- Barauni, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (DB) No. 1311 of 2019)

For the Appellant/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rahul Singh, Adv.
Mr. Adarsh Parashar, Adv.

For the Respondent/s : Mr. Sujit Kumar Singh, APP

(In CRIMINAL APPEAL (DB) No. 1122 of 2019)

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Ritwik Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.

For the Respondent/s : Mr. Sujit Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

and

HONOURABLE MR. JUSTICE ANSUL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ANSUL)

Date : 04-02-2026

Heard learned senior counsels for the appellants and



learned A.P.P. for the State.

2. Both the cases Cr. APP (DB) 1311 of 2019 and Cr. APP (DB) 1122 of 2019 filed on behalf of Rajeev Singh @ Rajeev Kumar and Vinay Kumar @ Vinay Singh challenging the impugned judgment of conviction and order of sentence dated 23.08.2019 and 29.08.2019 respectively. Since both the appeals arise out of the same Barauni P.S. Case 47 of 2012 they are being decided by this common judgment.

3. This appeal has been preferred by the appellants for setting aside the impugned judgment of conviction and order of sentence dated 23.08.2019 and 29.08.2019 respectively passed by learned Additional Sessions Judge, XIV, Begusarai in S.Tr. No. 870 of 2013 arising out of Barauni P.S. Case No. 47 of 2012, whereby the concerned Trial Court has convicted the appellants and sentenced them under Section 364/34 of the Indian Penal Code (for short 'I.P.C.') with life imprisonment and under Section 302/34 of the IPC with rigorous imprisonment for life and fine of Rs. 100,000/- each (in default of payment of fine the appellants will further undergo rigorous imprisonment of three years) and the appellants have further been convicted under Section 120(B) of the IPC and sentenced to undergo rigorous imprisonment of 14 years and fine of Rs.



50,000/- each (in default of payment of fine he will further go rigorous imprisonment of two years) and under Section 27 (i) of the Arms Act sentenced to undergo rigorous imprisonment for seven years and fine of Rs. 50,000/- each (in default of payment of fine they will further go rigorous imprisonment for one year). All the sentences were directed to run concurrently.

4. As per the prosecution, an FIR bearing Barauni P.S. Case No. 47 of 2012 was lodged on the basis of fardbeyan of Sanjay Sah, PW-3, in which he stated that he and his brother Raj Kumar Sah run a miscellaneous shop at Bihat market. On 17.02.2012, he and his brother Raj Kumar Sah were sitting at the kirana shop and then at about 08:30 P.M. a co-villager namely Vinay Singh [**Cr. APP (DB) 1122 of 2019**], Jugnu Singh (non-appellant) and Champak Jha (non-appellant) along with two unknown persons came on two motorcycles. Jugnu Singh and Champak Jha asked Raj Kumar Sah to accompany them for some talk. The brother of the informant was reluctant to go but when both of them insisted his brother went with them. When he came to know that his brother had gone, he also followed them. His brother was taken near a well which is situated near Bichli Durga Sthan and all the accused persons started slapping his brother. When the informant intervened they pointed pistol at his



brother and made him sit in the middle of the motorcycle and took him towards north. The informant tried to contact the officer-in-charge on cell phone but the call could not connect, he then informed the Dy.S.P. on mobile. After sometime the officer-in-charge reached there and he informed him about the said occurrence and he along with the officer-in-charge kept on searching for his brother, but was unable to find him. Later at 05:00 A.M. in the morning an information came that a dead body had been found lying in Banwari Bahiyar of Ibrahimpurtoala. On this information he reached there with the officer-in-charge and identified the dead body of his brother, his brother had been shot dead. The informant further alleged that the motive for the occurrence was that Vinay Singh had kept Rs. 5 lakhs of his brother and his brother was demanding his money to be returned to him, and for the same, a panchayati was also held in the village. He alleged that Vinay Singh, Jugnu Singh and Champak Jha along with two unknown persons killed his brother in order to grab the money.

5. The appellant of Cr. APP (DB) No. 1311 of 2019 Rajeev Singh@ Rajeev Kumar was not named in the FIR by the informant rather his name appeared during course of the investigation. After investigation charge-sheet was submitted in



this case against Vinay Singh, Champak Jha and Rajeev Kumar and investigation was kept pending against others.

6. After completion of investigation and on the basis of materials collected during investigation, the Investigating Officer of this case submitted charge-sheet on 14.05.2012 under Sections 364, 302, 120(B)/34 of the IPC and Section 27 of the Arms Act against the appellants before the learned Trial Court.

7. The learned trial court after perusal of materials collected during investigation and hearing the accused/appellants framed the charges under Sections 302/34, 364/34, 120(B) of the IPC and Section 27 of the Arms Act against the appellants, which were explained to the appellants, to which, they pleaded not guilty and claimed to be tried.

8. During the course of trial, altogether nine witnesses were examined in support of the prosecution case, which are as under:-

P.W.-1	Pancha Devi
P.W.-2	Rajeev Kumar
P.W.-3	Sanjay Sah
P.W.-4	Raj Ratan
P.W.-5	Jugal Singh
P.W.-6	Shashikant Jha
P.W.-7	Ram Shankar Sah
P.W.-8	Suresh Sah
P.W.-9	Nawal Kishore



9. Apart from the oral evidences, the documentary evidences were also exhibited on behalf on behalf of the prosecution, which are as follows:

Exhibit-1	Written Statement (fardbayan)
Exhibit-1/1	Signature of Lalan Kumar forwarding of fardbayan
Exhibit-2	Signature of Birendra Kumar in FIR
Exhibit-3	Confessional Statement of Rajeev Kumar
Exhibit-4	Confessional Statement of Sikandar Kumar
Exhibit-5	Signature of Ram Shankar Jain in Inquest Report
Exhibit-5/1	Signature of Sanjay Kumar in Inquest Report
Exhibit-6	Post-mortem Report

10. During the course of trial three defence witnesses were examined, which are as follows:-

D.W.-1	Kanhaiya Kumar
D.W.-2	Amlesh Kumar
D.W.-3	Upendra Kumar Singh

11. The case of the defence is that the appellants have been falsely implicated in the case and that the FIR is ante dated document and the earliest version of the prosecution, has been suppressed and that the investigation is faulty and the chain of evidence was not complete so far as to secure conviction.

12. We have heard and considered the submissions of the parties and perused the materials on records.



13. The counsel for the prosecution has argued that the prosecution has proved its case to the hilt. The witnesses have supported the allegation. P.W.-1 Pancha Devi, mother of the deceased was a witness to taking away of the deceased. P.W.-2 Rajiv Kumr was also a witness to taking away of the deceased. P.W. - 3 Sanjay Sah is also an eye-witness to taking away of the deceased. P.W.-4 the I.O has proved the first place of occurrence and he has stated that witnesses stated before him that the deceased was taken away by the accused-appellants. He has also proved the confessional statement of Rajiv and Sikandar. P.W.-6 has also supported the occurrence. He is an independent witness having a shop near the shop of deceased. P.W.-8 is also witness to first part of the occurrence. The doctor P.W.-9 has proved homicidal death of the deceased.

14. The prosecution has further argued that the accused persons had the motive. They were last seen with the deceased and the time lag between taking away of the deceased and recovery of dead body leaves no room for doubt that the accused persons killed him. Thus, this is a fit case where the conviction should be upheld on the basis of “last seen”.

15. The defense has argued that the witnesses have contradicted themselves on material points. The witnesses do



not attest to presence of each other at any of the place of occurrence. Moreover, there are improvements and material contradiction in their statements. They have also stated that none is eye-witness to the occurrence and the story is being created after recovery of dead body. He states that the mode, manner and genesis of the occurrence has been suppressed.

16. The case thus involves the issue of last seen, circumstantial evidence, material improvement and contradictory version of the witnesses. For arriving at the conclusion of last seen, the prosecution must at first establish by cogent evidence that the accused were last seen with the deceased.

17. **P.W.- 1, Pancha Devi** is the mother of the deceased, she states that at around 08:30 P.M. she was at her house. She received the information that her son Raj Kumar Sah was being assaulted by Vinay Singh, Champak Jha, Jugnu Singh, Kari Singh and Neria. She went there and saw that Vinay Singh along with others on three motorcycles took away her son. She further stated that one more motorcycle came on which one Rajeev and one other person was sitting. Her elder son Sanjay Sah searched for the victim the whole night and in the morning at about 05:00 A.M. some persons came and stated that a dead body has been



seen in Banwari Bahiyar. Her son Sanjay Sah went there and identified her son. She stated that there was dispute between her son and accused persons with regard to the money and they used to demand Rs. 20,000/- as rangdari tax from her son. The version of this witness P.W.- 1 does not sit well with the version given in the FIR. The FIR lodged by Sanjay Sah with the full knowledge and information provided by Pancha Devi as claimed by her does not even refer to her presence at any of the place of occurrence. Moreover, the cause of occurrence as detailed in the FIR and as given by this witness do not match.

18. It is true that the FIR is not a substantive piece of evidence and can be used only to corroborate and contradict the maker of it but there is one exception to this situation in terms of judgment rendered in *Ram Kumar Pandey vs. State of M.P* reported as *(1975) 3 SCC 815*. The same shows that if the version of a witness has gone into making of the FIR then the entire prosecution case can be tested with reference to the FIR as the FIR then becomes a relevant fact under Section 11 of the Evidence Act. The para-9 of the said judgment is as under:

“No doubt, an F.I.R. is a previous statement which can, strictly speaking be only used to corroborate or contradict the maker of it. But, in this case, it had been made by the



father of the murdered boy to whom all the important facts of the occurrence, so far as they were known up to 9:15 P.M. on March 23, 1970, were bound to have been communicated. If his daughters had seen the appellant inflicting a blow on Harbinder Singh, the father would certainly have mentioned it in on the F.I.R. We think that omissions of such important facts, affecting the probabilities of the case, are relevant under Section 11 of the Evidence Act in judging the veracity of the prosecution case.

19. In the instant case also Pancha Devi claims to be present at the place of occurrence and claims to be aware of all the happening relating to taking away of the deceased as well as eventful recovery of dead body at 05:00 A.M. The FIR has been lodged at 10:30 A.M. at around 05:30 hours after the recovery. It is well nigh impossible that her version had not gone into making of the FIR.

20. Further in the cross-examination on behalf of Rajeev Kumar she states that her son had lodged case against him also.

21. **P.W.-2, Rajeev Kumar** is also one of the brothers' of the deceased. Like his mother he also finds no reference in the FIR though he claims that he was at the shop with his deceased brother Raj Kumar Sah. He supports the sequence of occurrence



as detailed by the prosecution. He enlarges the story of loan and states that his brother had given Rs. 5 lakhs to Vinay Singh, Rs. 80,000/- to Jugnu Singh and Rs. 50,000/- to Champak Jha, though in cross-examination he says that his daily income was around Rs. 1500 to 2000. He detailed the name of four nearby shop owners none of whom are a witness to this case. He admitted that he did not show any document to the officer-in-charge showing payment of Rs. 5 lakhs to Vinay Singh. He states that he reached 2nd place of occurrence and then P.W. - 7 and P.W. - 1 came. Ironically, they do not attest to his presence at the place of occurrence. In the cross-examination on behalf of Rajeev, he states that he had told the police that he later on came to know that one of the unknown persons was Rajeev Singh.

22. **P.W-3, Sanjay Sah** is the informant. He supports the prosecution version. He adds that a loan of Rs. 80,000/- was given to Jugnu Singh by the deceased and also states that Rajeev Singh was on the motorcycle which came later on. With regard to lodging of the FIR he states that he had given a written report to the officer-in-charge at his shop at 11:00 A.M. Thereafter, daroga called him to the police station where he handed over the same at 12:00 P.M. He also states that he had gone to the place where dead body was recovered at 05:00 A.M. and the officer-



in-charge came to that place and he had made enquires for 10-15 minutes. He also states that the dead body was sent for post-mortem at 08:00 A.M. He denied suggestion that his brother was a witness in a case filed by Vinay Singh, accused.

23. **P.W.-4, Raj Ratan** is the ASI and Investigating Officer of the case. He took charge of the initial investigation of the case and he claims to have recorded the confessional statement of Rajeev and Sikandar which has been exhibited in its entirety without the authority of law. He admitted that he did not visit the place of occurrence where the deceased was allegedly assaulted. With regard to Rajeev Kumar he stated that his name had not been taken by the informant either in the *fardbayan* or his further statement and the witnesses in para 11, 12, 13 & 14 of the case diary have also not taken name of Rajeev Kumar. He also stated that no recovery at all was made from Rajeev Kumar to connect him to the crime. He also admitted that he could not get any material with regard to the motorcycle on which the accused persons are said to have taken away the deceased and that he did not even enquire about receipt of any call by the officer-in-charge or by the Dy.S.P. and neither did he enquire about the station diary entry till 07:00 A.M. in the morning nor did he visit the officer-in-charge at the



place of occurrence. In para 7, contrary to the version of the informant the I.O states that the statement of the informant was recorded at the place of occurrence whereas the informant states that his information was recorded at his shop. He states that the witnesses of the inquest report were Sanjay Kumar Sah and Ram Shankar Sah. He also admitted that he could not collect any document with regard to transaction of money and he did not find any marking of motorcycle at the place from where the dead body was recovered.

24. The version of the investigating officer shows that the investigation is completely deficient on material points. The case of prosecution is that the officer-in-charge of the police station was contacted on several occasions by the informant and the information was also provided to the Dy.S.P. with regard to the occurrence and the officer-in-charge and informant searched the dead body of the brother of the informant for the whole night. However, neither the call records have been obtained nor the statement of the officer-in-charge and the Dy.S.P. was recorded to support this assertion. Moreover, no statement of any witnesses in close vicinity of the market place from where the deceased was first taken or from where the dead body was recovered has been recorded by the investigating officer. He



admits that he did not even visit the 2nd place of occurrence. An investigation on this point was required in order to establish the claim of the informant and other witnesses with regard to their knowledge of the alleged occurrence or them being present at the place of occurrence. In such situation absence of these materials in investigation may also suggest that the story may have been woven after recovery of the dead body as there is no objective material to support the assertion of the prosecution regarding the activities prior to the recovery of the dead body.

25. **P.W. - 5, Jugnu Singh** was declared hostile.

26. **P.W. - 6, Shashi Kant Jha** was also declared hostile.

27. **P.W.- 7, Ram Shankar Sah** is the uncle of the deceased, who has given an entirely new spin to the story. He clearly states that on *hulla* he along with the informant and Suresh P.W. - 8 went to the place of occurrence and found that Raj Kumar Sah was missing. He did not even identify the accused Rajeev Kumar.

28. **P.W. - 8, Suresh Sah** was one of the shop-keepers. Without detailing the place of occurrence, he states that he came to know that Vinay Singh, Jugnu Singh and Champak Jha were assaulting Raj Kumar Sah and thereafter they took him away. Interestingly, he does not talk about presence of any other



witnesses at the place of occurrence and P.W. -7 Suresh Sah completely rules out his presence before taking away of the deceased.

29. **P.W. - 9, Nawal Kishore** is the doctor who examined the deceased. The homicidal death of the deceased is not under challenge and thus, the post mortem report holds no relevance to the case.

30. This court finds from the deposition of witnesses, that the witnesses clearly do not attest to the presence of each other at the place of occurrence rather they completely contradict each others presence at the place of occurrence and this fact gives rise to bonafide assumption that no one was present at the place of occurrence and the story seems to have been woven after the dead body was recovered, just to settle old scores.

31. The Hon'ble Supreme Court in the case of ***Pankaj vs. State of Rajasthan*** reported as ***(2016) 16 SCC 192*** in para-25 has held that:

“ It is a well-settled principle of law that when the genesis and the manner of the incident is doubtful, the accused cannot be convicted. Inasmuch as the prosecution has failed to establish the circumstances in



which the appellant was alleged to have fired at the deceased, the entire story deserves to be rejected. When the evidence produced by the prosecution has neither quality nor credibility, it would be unsafe to rest conviction upon such evidence. After having considered the matter thoughtfully, we find that the evidence on record in the case is not sufficient to bring home the guilt of the appellant. In such circumstances, the appellant is entitled to the benefit of doubt.”

32. Furthermore, the materials on record suggest that the Dy.S.P. and officer-in-charge were informed of taking away of the deceased in the night and they searched for him the entire night however, no contemporaneous record has been collected during investigation to support this point either in the form of station diary entry or call detail records. Also, the dead body was recovered at 05:00 A.M., inquest report has been prepared at 07:50 A.M. and it has been witnessed by persons who claim themselves to be the eye witness namely P.W. - 3 and P.W. - 7, but from the FIR it is clear that these witnesses were having all the details with names connected to the FIR and still there is no



reference to the names of any of the accused persons in the inquest. Moreover, the FIR has been lodged after three and half hours as per the records whereas the informant says that it was handed over to the officer-in-charge at 12:00 P.M. All this goes on to show that there must have been an initial version with regard to the occurrence which must have travelled to the police station in the night, at the place of occurrence where dead body was recovered and where officer-in-charge questioned witnesses for 15 minutes or at the time of recording of the inquest but that version seems to have been given a go by and a fresh FIR seems to have been lodged after much afterthought. This brings the entire FIR under suspicion.

33. Before we proceed to test the correctness of the findings returned by the trial Court, we must bear in mind that the prosecution case rests on evidence which are circumstantial in nature as detailed at by the learned trial Court. Keeping in view the findings of the learned trial Court and the submissions of learned counsel for the appellants and learned APP for the State, this Court would examine as to whether on the basis of the evidences on the record, it may be safely concluded that the prosecution has been able to prove its case beyond all reasonable doubts and the criminological chain of events



leading to the death is complete. This Court is reminded of the judgment of the Hon'ble Supreme Court in the case of ***Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116***. Paragraph '152' of the said judgment is being reproduced here-under for a ready reference:

“152. Before discussing the cases relied upon by the High Court we would like to cite a few decisions on the nature, character and essential proof required in a criminal case which rests on circumstantial evidence alone. The most fundamental and basic decision of this Court is Hanumant v. State of Madhya Pradesh. This case has been uniformly followed and applied by this Court in a large number of later decisions up- to- date, for instance, the cases of Tufail (Alias) Simmi v. State of Uttar Pradesh and Ramgopal v. State of Maharashtra. It may be useful to extract what Mahajan, J. has laid down in Hanumant case:”

“It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave



any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused.”

34. In the case of ***Dilavar Hussain and ors. v. State of Gujarat and Anr., (1991) 1 SCC 253***, once again the Hon'ble Supreme Court has laid down the principles governing appreciation of circumstantial evidences. Paragraphs '3' and '4' of the judgment in the case of ***Dilavar Hussain (supra)*** reads as under:

“3. All this generated a little emotion during submissions. But sentiments or emotions, howsoever strong, are neither relevant nor have any place in a court of law. Acquittal or conviction depends on proof or otherwise of the criminological chain which invariably comprises of why, where, when, how and who. Each knot of the chain has to be proved, beyond shadow of doubt to bring home the guilt. Any crack or loosening in it weakens the prosecution. Each link, must be so consistent that the only conclusion which must follow is that the accused is guilty. Although guilty should not escape (sic). But on reliable evidence, truthful witnesses and honest and fair investigation. No free man should be amerced by framing or to assuage feelings as it is fatal to human dignity and destructive of social, ethical and legal norm.



Heinousness of crime or cruelty in its execution however abhorrent and hateful cannot reflect in deciding the guilt.

4. Misgiving, also, prevailed about appreciation of evidence. Without adverting to submissions suffice it to mention that credibility of witnesses has to be measured with same yardstick, whether, it is ordinary crime or a crime emanating due to communal frenzy. Law does not make any distinction either in leading of evidence or in its assessment. Rule is one and only one namely, whether depositions are honest and true. Whether the witnesses, who claim to have seen the incident in this case, withstand this test is the issue? But before that some legal and general questions touching upon veracity of prosecution version may be disposed of.”

35. To bring home the guilt, the prosecution in the present case would be required to prove the involvement of the appellants in the alleged kidnapping, their demand for ransom, the presence of witnesses and the possibility of them seeing the incident and identification of the appellants. Adding on to the aforesaid legal principles, in ***Devi Lal vs. State of Rajasthan AIR 2019 SC 688***, a three-judge bench of the Hon'ble Supreme Court held that:

“in a case based on circumstantial evidence where two views are possible, one pointing to the



guilt and the other to his innocence, the accused is entitled to the benefit of one which is favorable to him. Besides that, before recording conviction, the court must be satisfied that the accused 'must be' and not merely 'maybe' guilty".

36. In ***Shivaji Sahebrao Bobade vs. State of Maharashtra 1974 SCR (1) 489***, the Supreme Court, elaborating upon the above principle, observed that the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions. Therefore, even if the prosecution evidence generates strong suspicion against the accused, it cannot be a substitute for proof.

37. Again, in ***Padala Veera Reddy v. State of Andhra Pradesh AIR1990SC79***, this Court affirmed that when a case rests solely upon circumstantial evidence, such evidence must satisfy the following tests:

"1. The circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established;

2. Those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused;

3. The circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the



accused and none else;

4. The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.”

38. In the case of ***Jaharlal Das Vs. State of Orissa reported in (1991) 3 SCC 27***, the Hon’ble Supreme Court has held that an accused cannot be convicted on mere suspicion how so strong it may be. Reference in this connection may be made to the judgment of the Hon’ble Supreme Court in the case of ***Jaharlal (supra)***. Paragraph ‘4’ is being reproduced here under for a ready reference.

“4. No doubt the offence is a shocking one but the gravity of the offence cannot by itself over weigh as far as legal proof is concerned. Invariably in such cases a person last seen with the victim, unless otherwise there are circumstances prima facie exonerating him, would be the prime suspect but in the ultimate judicial adjudication suspicion, howsoever strong, cannot be allowed to take the place of proof.”

39. The facts when analysed suggest that the case of last seen is not at all established and thus the prosecution has failed



to establish the chain of circumstances pointing unerringly towards guilt of the accused. Therefore, in the light of the discussions made above, this court is of the opinion that there are various contradictions in the deposition of witnesses and it appears that the FIR has been lodged after much afterthought.

40. Accordingly, we are of the view that there is a case to interfere with the impugned judgment and order.

41. Accordingly, the present appeal stands allowed.

42. The impugned judgment of conviction and order of sentence dated 23.08.2019 and 29.08.2019 respectively passed by learned Additional Sessions Judge, XIV, Begusarai in S.Tr. No. 870 of 2013 arising out of Barauni P.S. Case No. 47 of 2012, whereby the concerned Trial Court has convicted the appellants and sentenced under Section 364/34 of the Indian Penal Code (for short 'I.P.C.')

with life imprisonment under Section 302/34 of the IPC with rigorous imprisonment for life and fine of Rs. 100,000/- (in default of payment of fine he will further go rigorous imprisonment of three years), under Section 120(B) of the IPC with rigorous imprisonment of 14 years and fine of Rs. 50,000/- (in default of payment of fine he will further go rigorous imprisonment of two years) and under Section 27 (i) of the Arms Act sentenced to undergo rigorous imprisonment for



seven years and fine of Rs. 50,000/- (in default of payment of fine they will further go rigorous imprisonment for one year), is hereby set aside. Consequently, the above named appellants are acquitted from the charges levelled against them.

43. Since the appellants are on bail, they are being discharged from their liabilities of bail bonds and sureties.

44. Office is directed to send back the trial court records along with a copy of this judgment to the learned trial court, forthwith.

(Ansul, J)

I agree

(Bibek Chaudhuri, J)

Siddharth Soni/-

AFR/NAFR	NAFR
CAV DATE	04.02.2026
Uploading Date	04.05.2026
Transmission Date	04.05.2026

