



**ANNEXURE - I**

<b>In the Court of Additional Chief Judicial Magistrate Pakur</b>	
Present : Vishal Majhee Additional Chief Judicial Magistrate Pakur. [Date of Judgment- 30.06.2026] District : Pakur. [Case No.- G.R Case No.- 310/2022] (Details of FIR/Crime and Police Station) Hiranpur P.S. Case No. 46/2022	
Prosecution	<b>State of Jharkhand through Rakesh Gorai</b>
Represented by	Mr. Ravish Kumar Pandey, Ld. A.P.P.
Accused	<b>1) Santosh Kumar Rai (Male)</b> , S/o Babu Lal Ray, Age: 27years, Vill- Bipatpur, P.S.- Hiranpur, Dist- Pakur, Jharkhand <b>2) Mithu Bhagat (Male)</b> , S/o Devdas Bhagat, Age- 42 years, Vill- Bishanpur, P.S.- Barharwa, Dist- Sahibganj, Jharkhand <b>3) Mithlesh Kumar (Male)</b> , S/o Saty Narayan Ray, Age- 26years, Vill- Bara Khuthari, P.S.- Rajmahal, Dist- Sahibganj, Jharkhand <b>4) Dablu Pandit (Male)</b> , S/o Atul Pandit, Age- 43years, Vill- Darala Ghat, P.S.- Tinpahar, Dist- Sahibganj, Jharkhand <b>5) Arjun Uranw @Uraon (Male)</b> , S/o Shankar Uranw, Age: 24years, Vill- Gunihari, P.S.- Rajmahal, Dist- Sahibganj, Jharkhand <b>6) Vijay Uranw @Uraon (Male)</b> , S/o Shankar Uranw, Age: 24, Vill- Gunihari, P.S.- Rajmahal, Dist- Sahibganj, Jharkhand
Represented BY	Sri Kausar Alam Ansari, Ld. Defence Counsel

**ANNEXURE - II**

Date of Offence	08.04.2022
Date of FIR	08.04.2022

Date of Charge-sheet	30.04.2022
Date of Framing Charges/ substance of accusation	20.07.2022
Date of Commencement of prosecution evidence	26.08.2022
Date on Judgment is reserved	16.06.2026
Date of the Judgment	30.06.2026
Date of Sentencing Order, if any	n/a

**ACCUSED DETAILS**

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date(s) of Released on Bail	Offences charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
A1.	<b>Santosh Kumar Rai</b>	09.04.22	10.05.22	U/Ss 295A and 298 r/w 34 of IPC	Acquitted	N/A	31 days
A2.	<b>Mithu Bhagat</b>	09.04.22	10.05.22	U/Ss 295A and 298 r/w 34 of IPC	Acquitted	N/A	31 days
A3.	<b>Mithlesh Kumar</b>	09.04.22	10.05.22	U/Ss 295A and 298 r/w 34 of IPC	Acquitted	N/A	31 days
A4.	<b>Dablu Pandit</b>	09.04.22	10.05.22	U/Ss 295A and 298 r/w 34 of IPC	Acquitted	N/A	31 days
A5.	<b>Arjun Uranw @Uraon</b>	09.04.22	10.05.22	U/Ss 295A and 298 r/w 34 of IPC	Acquitted	N/A	31 days
A6.	<b>Vijay Uranw @Uraon</b>	09.04.22	10.05.22	U/Ss 295A and 298 r/w 34 of IPC	Acquitted	N/A	31 days

**ANNEXURE - III**

**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)
PW1	Santosh Kumar Gupta	Hostile witness
PW2	Rakesh Gorai	Informant
PW3	Shourav Kumar Bhagat	Hostile witness
PW4	Mohan Lal Bhagat	Hostile witness
PW5	Bittu @Kumar Bhashkar	Hostile witness
PW6	Avinash Thakur	Hostile witness
PW7	Nihar Ranjan Das	Hostile witness

B. **Defence Witness, If any :-**

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
- 1 -	-NIL-	-NIL-

C. **Court Witness, if any :-**

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other witness)
- 1 -	-NIL-	-NIL-

**List of Prosecution/Defence/Court Exhibits**

A. **Prosecution :-**

Sl. No.	Exhibit Number	Description
- 1 -	P1/PW1	Signature of PW1 on the seizure list
- 2 -	P2/PW2	Signature of the informant on the written report

B. **Defence :-**

Sr. No.	Exhibit Number	Description
---------	----------------	-------------

- 1 -	-NIL-	-NIL-
-------	-------	-------

C. **Court Exhibits :-**

Sr.No.	Exhibit Number	Description
- 1 -	-NIL-	-NIL-

D. **Material Objects :-**

Sr. No.	Material Object Number	Description
- 1 -	-NIL-	-NIL-

**Charge U/Ss 295A and 298 r/w 34 of IPC.**

**J U D G M E N T**

1. The above named accused persons are facing trial for the offences punishable U/Ss 295A and 298 r/w 34 of IPC.
2. The prosecution story is based on the written report of the informant namely, Rakesh Gorai alleging therein that the accused persons namely, Mithu Bhagat, Santosh Kumar Rai @Santosh Kumar, Mithlesh Kumar, Vijay Uraon, Arjun Uraon and Dabloo Pandit on 08.04.2022 were selling different religious books in which abusive languages was mentioned against Sanatan religion of god and goddess. Hence, this case.
3. On the basis of the written report of the informant, the Officer-in-charge of the Hiranpur P.S registered this case as Hiranpur P.S. Case No. 46/2022 dated 08.06.2022 for offence U/Ss 295A and 298 r/w 34 of IPC against the accused persons namely, Santosh Kumar Rai, Mithu Bhagat, Mithlesh Kumar, Dablu Pandit, Arjun Uranw @Uraon and Vijay Uranw @Uraon.

4. The police investigated the matter and after coming to its conclusion submitted charge sheet bearing No. 50/22 dated 30.04.2022 against the accused persons namely, Santosh Kumar Rai, Mithu Bhagat, Mithlesh Kumar, Dablu Pandit, Arjun Uranw @Uraon and Vijay Uranw @Uraon U/Ss 295A and 298 r/w 34 of IPC. Accordingly, the Learned Predecessor Court took cognizance for the offence punishable U/Ss 295A and 298 r/w 34 of IPC against the accused persons namely, Santosh Kumar Rai, Mithu Bhagat, Mithlesh Kumar, Dablu Pandit, Arjun Uranw @Uraon and Vijay Uranw @Uraon on 31.05.2022.

5. On 20.07.2022, Charge U/Ss 295A and 298 r/w 34 of IPC was explained to the accused persons namely, Santosh Kumar Rai, Mithu Bhagat, Mithlesh Kumar, Dablu Pandit, Arjun Uranw @Uraon and Vijay Uranw @Uraon in Hindi to which they pleaded not guilty and claimed to be tried.

6. On 16.06.2026, statement of the accused persons as above was recorded U/s 313 of the Cr.P.C in which they denied the occurrence and pleaded innocence.

7. Defence case is total denial of occurrence. Defence has not examined any oral or documentary evidence rather on their prayer defence evidence was closed.

8. Now, the point for determination in this case before the court is:

I. Whether the prosecution had been successful in bringing home the charges levelled against the accused persons beyond the shadow of all reasonable doubts or not?

**F I N D I N G S**

9. In support of the case the prosecution examined as many as

seven witnesses while the defence examined none.

**10.** I have heard the Ld. APP and Learned Counsel for the accused. Also perused the record. Let us analyze the evidence on record so as to find out as to whether the prosecution has been able to prove the guilt against the accused persons or not.

**11. Analysis of the prosecution evidence :**

In order to come to decision of this case, I went through the testimony of the prosecution witnesses to find whether the PWs supported the case of prosecution or not.

**11.1. PW1/Santosh Kumar Gupta, PW3/Shourav Kumar Bhagat, PW4/Mohan Lal Bhagat, PW5/Bittu @Kumar Bhashkar, PW6/Avinash Thakur, PW7/Nihar Ranjan Das** were declared HOSTILE by the prosecution as they stated in their testimony that they had no knowledge about the alleged incident and nothing substantial was stated to prove the case of the prosecution. PW1/Santosh Kumar Gupta who is the seizure list witness had stated that he had put his signature on the blank page and on the direction of the police he had put his signature which he identified as the same is marked as Exhibit P1/PW1.

**11.2. PW2/Rakesh Gorai (the informant himself)** has stated in his testimony that the incident happened in the year 2022, at the time of the incident he was at his shop. A number of men were selling books in the village, Mithun Pandit and Santosh Kr. Rai were known to the witness among the group. He took out a book from them and upon perusal he finds that the content of the book is against Hinduism in which wrong words and filthy languages were used by which the deities of Hindu

religion were disregarded and disrespected. Therefore, the villagers held them and took to the police station. Regarding this, he gave a written report to the police station and signed on the same which he recognises as the same is marked as Exhibit P2/PW2. In **cross-examination**, he has stated that he cannot recall the names of the books he does not know the persons who were selling the books. He did not even go through the books regarding which he has brought these allegations. There were eight to ten people present including Santosh Gupta, Mohan Lal, Shourav Kumar Bhagat, Nihar Ranjan Das etc., however, he cannot name the others. He cannot say what was written in the written report as he stated that one Mohan Lal Bhagat had wrote the report and he has put his signature only.

**12. Decision and Reasons:** The cardinal rule is that the prosecution must stand on its own feet to prove its case and bring home the charge against the accused beyond reasonable shadow of doubt. I find that PW1 who is the seizure list witness in his corss-examination stated that he had put his signature on the seizure list on the direction of the police and he had put his signature on the blank paper. Further, PW2 who is the informant had not supported the prosecution case since, he stated in his cross-examination that he can not recall the name of the books which were seized and neither he knows about the person who were selling the alleged books. He further could not tell what was written in the alleged books which were seized. Further, PW3 Santosh Kumar Bhagat, PW4- Mohan Lal Bhagat, PW7- Nihar Ranjan Das were declared hostile along with PW3, PW5 and PW6. The prosecution failed to bring any witness to prove the charges against the accused. Thus, the offences U/Ss 295A and 298 r/w 34 of IPC is not proved and the accused is found **not guilty**.

**13.** After considering all aforesaid facts and circumstances and on the basis of materials available in the case record as discussed above, I find and hold that accused person **A1. Santosh Kumar Rai, A2. Mithu Bhagat, A3. Mithlesh Kumar, A4. Dablu Pandit, A5. Arjun Uranw @Uraon @Uraon and A6. Vijay Uranw @Uraon @Uraon** are not guilty since the prosecution is unable to prove the offence against the accused due to lack of evidence. Hence, the accused namely, **A1. Santosh Kumar Rai, A2. Mithu Bhagat, A3. Mithlesh Kumar, A4. Dablu Pandit, A5. Arjun Uranw @Uraon and A6. Vijay Uranw @Uraon** are hereby **ACQUITTED** in this case for the offences punishable under sections **U/Ss 295A and 298 r/w 34 of IPC** levelled against them. Accused are on bail. Hence, the accused along with their bailors stand discharged from the liability of their respective bail bond.

**14.** O/C is directed to consign the entire record to the record room as per rule.

(Dictated and corrected by me.)

Sd/-  
(Vishal Majhee)  
Addition Chief Judicial Magistrate,  
Pakur  
Dated: 30.06.2026  
JO Code - JH00720

Sd/-  
(Vishal Majhee)  
Addition Chief Judicial Magistrate  
Pakur  
Dated: 30.06.2026  
JO Code - JH00720