

Md. Maksood Ansari @ Mithun @ Maksud ... vs The State Of Jharkhand on 13 October, 2026

Author: [Sujit Narayan Prasad](#)

Bench: [Sujit Narayan Prasad](#), [Sanjay Prasad](#)

2026:JHHC:30710-DB

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No.1138 of 2018

Md. Maksood Ansari @ Mithun @ Maksud Ansari, s/o Hazi Mohammad
Ansari, aged about 33 years, r/o Taranari, PO & PS Chandrapura,
District Bokaro Appellant

Versus

The State of Jharkhand Respondent

With

Cr. Appeal (DB) No.574 of 2018

Batla Ansari @ Sarfudin Ansari @ Batla, aged about 29 years, son of
late Chhote Babu Ansari, resident of village Mohandih, P.O. & P.S.
Pindrajora, District Bokaro (Jharkhand) Appellant

Versus

The State of Jharkhand Respondent

With

Cr. Appeal (DB) No.595 of 2018

Immamul Ansari son of Late Tajjaudin Ansari, aged about 36 years,
resident of village Mohandih, P.O. and P.S. Pindrajora, District Bokaro,
State Jharkhand Appellant

Versus

The State of Jharkhand Respondent

[Against the common judgment of conviction dated 31.03.2018 and order
of sentence dated 04.04.2018 passed by the learned Additional
Sessions Judge-II, FTC Bokaro in S.T. Case No.30 of 2017]
.....

PRESENT

HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

HON'BLE MR. JUSTICE SANJAY PRASAD

.....

For the Appellants : Mr. Jitendra S. Singh, Sr. Advocate

Mr. Ramesh Kumar, Advocate

Mrs. Pragati Prasad, Advocate

[In Cr. Appeal (DB) No.1138 of 2018]

Mr. A.K. Kashyap, Sr. Advocate

[In Cr. Appeal (DB) No.574 of 2018]

Mr. Rajesh Kumar, Advocate

[In Cr. Appeal (DB) No.595 of 2018]

For the State

: Mr. Anup Pawan Topno, A.P.P.

[In Cr. Appeal (DB) No.1138 of 2018]

Mr. Pankaj Kumar, P.P.

[In Cr. Appeal (DB) No.574 of 2018]

Mrs. Vandana Bharti, A.P.P.

[In Cr. Appeal (DB) No.595 of 2018]

C.A.V. on 21/08/2026

Pronounced on 13/10/2026

Per Sujit Narayan Prasad, J.

Prayer

1. The instant criminal appeals, preferred under [Section 374\(2\)](#) of the Code of Criminal Procedure, 1973, are directed against the common judgment of conviction dated 31.03.2018 and the order of sentence dated 04.04.2018 passed by the learned Additional Sessions Judge-II, Fast Track Court, Bokaro, in Sessions Trial No.30 of 2017 whereby and whereunder all the appellants stand convicted for the offence punishable under [Section 302](#) read with [Section 34](#) of the Indian Penal Code, 1860 and in addition thereto, the appellant, Md. Maksood Ansari @ Mithun @ Maksud Ansari has further been convicted under [Sections 307](#) and [324](#) of the Indian Penal Code and Consequent upon such conviction, all the appellants have been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/- each; in default of payment of fine, they have been directed to undergo further simple imprisonment for a period of six months for the offence under [Section 302/34](#) IPC. Appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari has further been sentenced to undergo R.I. for 7 years along with fine of Rs. 5,000/- for the offence under [Section 307](#) IPC and RI for 3 years along with fine of Rs.5,000/- for the offence under [Section 324](#) IPC and in default of payment of said fines, he has further been directed to undergo imprisonment for 3 2 2026:JHHC:30710-DB months each. All the sentences have been directed to run concurrently.

Factual Matrix

2. The prosecution case, in brief, as per the fardbeyan of the informant Manoj Kumar Singh (PW-6) recorded on 09.05.2016 at 00.30 hours at Bokaro General Hospital in Ward No.II/A, Bed No.259, wherein informant stated that on 08.05.2016, the informant along with his friends namely Pitamber Kumar Singh (deceased), Shiv Shankar Sharma @ Tinku(PW-5) and others at about 7.00 p.m. had gone to attend party on eve of 50th marriage anniversary of parents of Manish Parihar, at Buddh Bihar under Sector-IV police station. In the party, at about 9.50 p.m., the accused Mithun @ Maksood Ansari (appellant herein) along with his friends were seen roaming, then informant said his friends Pitamber Kumar Singh and Shiv Shankar Sharma @ Tinku, to keep vigil on Mithun @ Maksood Ansari and his friends.

3. Informant further stated that Pitamber Kumar Singh and Shiv Shankar Sharma @ Tinku, keeping vigil on the accused persons, reached at the gate of Buddh Bihar and informant also followed them and their informant saw Mithun (appellant herein) was entangled with both his friends. Accused Mithun @ Maksood Ansari, took out the knife and stabbed Pitamber Kumar Singh and Shiv Shankar Sharma @ Tinku. When the informant ran to save them, then Accused Mithun @ Maksood Ansari, also stabbed the informant by knife and flee away towards the west. 3

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4. It has further been alleged that Mithun @ Maksood Ansari and his two associates had stabbed knife to Pitamber Kumar Singh and killed him and had injured the informant and others and managed to flee away.

5. On the basis of the fardbeyan of the informant, a FIR being Sector IV P.S. Case No. 81/2016 dated 09.05.2016 corresponding to G.R. 641/2016 was registered against Mithun @ Muksood Ansari and two unknown persons for the offence under [Sections 307](#), [302](#), [324](#) and [34](#) IPC.

6. After completion of investigation, charge sheet was submitted against the accused persons and cognizance of the offences were taken and the case was committed to the Court of Sessions. Charges [u/s 302/34](#), [307/34](#),

[324/34](#) of IPC were framed against the accused persons/appellants, but they pleaded not guilty and claimed to be tried.

7. Trial commenced and after concluding of the prosecution evidence, the accused persons were questioned by the court U/s 313 [Cr.P.C](#) but they denied the evidence as well as their complicity in the alleged offence, further stated that they have been falsely implicated in this case.

8. The learned Trial Court, after perusal of record, found the charge levelled against the appellants proved. Accordingly, the appellants have been found guilty, as such, convicted and sentenced vide impugned judgment of conviction dated 31.03.2018 and order of sentence dated 04.04.2018 as aforesaid, which is the subject matter of instant appeals.

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2026:JHHC:30710-DB Submission of the learned counsel for the appellants

9. Learned counsel for the appellants, in all the cases, have submitted that the impugned judgment of conviction and order of sentence suffers from infirmity on the following grounds: -

(I) The learned trial court has convicted the appellants on the basis of incorrect preposition of law committing grave error of law and fact.

(II) It has been contended that no TIP in the present case was conducted.

(III) It has further been contended that the weapon used in the offence in question has not been recovered as also no incriminating articles were recovered from the possession of the appellants to show their complicity in the alleged offence.

(IV) The delay in lodging the FIR has not been explained.

(V) It has been submitted that no motive has been brought on record against the appellants to commit the offence in question.

(VI) The learned Trial Court has failed to take into consideration that none of the witnesses could prove that the appellants went in the party with intention to kill the deceased and injured other witnesses and when the informant and his friends intervened with the appellants, the instant occurrence allegedly took place.

(VII) All the prosecution witnesses examined on behalf of the prosecution has given most contradictory statement to each other and none of them are reliable and trustworthy.

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2026:JHHC:30710-DB (VIII) The confessional statement of the accused before the Police has got no evidentiary value in the eye of law.

(IX) The identification of the appellant is also doubtful and there is no cogent and reliable evidence to show that the appellants have shared common intention.

(X) According to the case of the prosecution, there are three places of occurrence but those have not been established by the statement of the witnesses.

(XI) It is very well settled proposition of law that the prosecution has to prove its case beyond all reasonable doubt, whereas, in the present case, the prosecution version totally failed to stand.

(XII) Not a single witness has stated that the appellant namely Immamul Ansari has given assault to the deceased or caused injury to any witnesses.

(XIII) Appellant Immanul Ansari had examined three defence witnesses to prove his alibi.

(XIV) The name of appellants Batla Ansari @ Sarfudin Ansari @ Batla and Immamul Ansari, came in the confessional statement of the accused Md. Maksud @ Mithun and the Appellants Batla Ansari @ Sarfudin Ansari @ Batla and Immamul Ansari, have been convicted with the aid of [section 34](#) of IPC without any ingredients of [section 34](#) of IPC. (XV) The prosecution has miserably failed in establishing the charges levelled against the appellants beyond all shadow of reasonable doubts.

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10. Learned counsel for the appellants, on the aforesaid premise, has submitted that it is a case where it cannot be said that the prosecution has been able to prove the charge beyond all reasonable doubts and they cannot be said to be trustworthy witnesses, therefore, the impugned judgment needs to be interfered with.

Submission of the learned counsels for the Respondent-State

11. Per Contra, learned Public Prosecutor as also learned Addl. Public Prosecutors appearing for the respondent-State have defended the impugned judgment by taking the following grounds: -

(i) The learned trial Court, has convicted the appellants on the testimony of the injured witnesses Upendra Rai (PW-1), Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-5) and informant Manoj Kumar Singh (PW-6)

(ii) The prosecution witnesses, i.e., P.W.1, P.W.2, P.W.5 and P.W.6 have remained consistent on the date, time and place of occurrence.

(iii) P.W.-11 Dr. Ravi Shankar, has also proved the post mortem report (exhibit-4) of the deceased and he has opined that injury inflicted on the victim deceased may be caused by sharp cutting object life knife or dagger.

(iv) P.W.-6 informant was one of the victims of the incident who himself got injured in the said incident, has fully supported the prosecution case.

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(v) The injury inflicted on the informant Manoj Kumar Singh (P.W-6) is grievous in nature, caused by sharp and pointed weapon.

(vi) There are five injured including the deceased, who were assaulted by knife by the accused persons and the injury inflicted on the injured is supported by the medical evidence of the Doctor.

(vii) It has been submitted that the evidence shows that the injury caused by the accused with dagger to cause death to the deceased was intentional as is evident from the evidence of the injured witnesses P.W.1, P.W.2, PW-5 and PW-6.

(viii) The investigating officer has well proved the first place of occurrence where the deceased was badly injured by the accused in the marriage anniversary party.

(ix) The present case is based on direct evidence against the appellant Mithun @ Maksood Ansari and other two appellants.

(x) It has also been contended that the prosecution has been able to prove the charges levelled against the appellants beyond all shadows of reasonable doubts, hence, the judgment of conviction and order of sentence cannot be said to suffer from an error.

12. Learned Public Prosecutor, as also, learned Addl. Public Prosecutor for the Respondent-State, on the aforesaid premise, has submitted by referring to the impugned judgment of conviction and order of sentence that the learned trial court has given thoughtful 8 2026:JHHC:30710-DB consideration on the testimony, based upon the same, the impugned judgment of conviction and order of sentence has been passed, hence, it cannot be said that the judgment of conviction/sentence suffers from illegality. Analysis

13. We have heard learned counsel for the parties, perused the documents and the testimony of witnesses as also the finding recorded by the learned trial Court in the impugned order.

14. This Court, before appreciating the arguments advanced on behalf of the parties, as also, the legality and propriety of the impugned judgment, deems it fit and proper to refer the testimonies of prosecution witness.

15. Prosecution had altogether examined fifteen witnesses out of whom P.W.-6 Manoj Kumar Singh, is the informant of the case; PW-1 Upendra Kumar Rai; PW-2 Sanjeev Kumar Singh; P.W.-3 Umesh Kumar Singh; P.W.-4 Ravi Shankar @ Ravi Shanker Pandey, P.W.-5 Shiv Shankar Sharma; P.W.-7, Ranvir Kumar, is the brother of the Pitamber (deceased); PW-8 Dr. R.K. Mishra, had examined the injured Manoj Kumar Singh(informant); PW-9 Dr. Nilay Kumar, had examined the injured Upendra Kumar Rai; PW-10 Dr. Awadh Kishore; PW-11 Dr. Ravi Shekhar, had conducted post- mortem examination of deceased Pitamber Kumar Singh; PW-12 Dr. Ranjeet Kumar, had examined the injured Shiv Kumar Sharma; PW-13 Dr. Surya Deo Pandey, had examined the injured Sanjeev Kumar Singh; PW-14 Aditya Kumar Mishra, is the Investigating 9 2026:JHHC:30710-DB Officer of the case and PW-15 Dr. Jaynath, had examined Manoj Kumar Singh.

16. On the other hand, defence had examined three witness DW-1Isshak Ansari, DW-2 Sahajaha Ansari and DW-3 Jahangir Ansari.

17. P.W.-6 Manoj Kumar Singh, is the informant of the case. Informant has stated in his evidence that occurrence took place on 08.05.2016 in between night of 09.30 to 10.00 p.m. He participated in the 50th marriage ceremony of the parents of Manish held in Budha Vihar Sector IV. Informant along with Pitambar and Shiv Shankar Sharma, were taking snacks on the stall, where he saw that accused Mithun along with his two associates coming in the party. Then he told Pitambar and Shiv Shankar Sharma that those persons are not good, hence to keep vigil on them.

18. Informant further stated as soon as Pitamber went near Mithun, then, Mithun who took out knife and stabbed three-four times on his abdomen. When Shiv Sharma went to rescue him then, accused Mithun also attacked him with knife as a result Shiv Sharma, sustained injury on his right thumb. Thereafter, the informant went to save them, then accused Mithun assaulted him with knife twice, as a result he sustained injuries on his left abdomen and at the right side of the bottom of his chest. After assaulting him, soon as the accused moved forward from there, he started shouting, then, 3-4 persons from the crowd tried to catch the accused but the accused attacked them with knife due to which 10 2026:JHHC:30710-DB Upendra Kumar, Sanjiv Kumar Singh and other persons also sustained injuries.

19. Informant further stated that during the occurrence, two-three persons, who were associates of accused Mithun, were restraining the person who were trying to go near Mithun and among them one was accused Batala and another was accused Immamul. Mithun fled away towards West of Mahila Samiti and he cannot say where Batala and Immamul, fled from bike.

20. Informant further stated that he along with the other persons were taken to BGH and later on he came to know that Pitamber had died during the treatment. The Officer-in-Charge of Sector-IV Police Station at 12.30

P.m., in the night, recorded his fardbayan in presence of Umesh Kumar Singh and Shiv Shankar Sharma and thereafter, he signed over it. Informant's signature on the fardbayan was marked as Ext.-1/2. The accused Batala and Immamul were represented through their respective lawyers, who waved to claim of identification of the accused and the witness identified the accused Mithun @ Maksood.

21. In his cross-examination on behalf of accused Immamul, informant stated that when his fardbayan was being recorded, at that time he did not know the name of the associates of accused. Informant further stated that while fleeing away, at that time accused Mithun was shouting the name of Batala and Immamul. He cannot differentiate knife and dagger but he saw that the accused had assaulted with knife. Informant further stated that four to five persons were injured in the said occurrence. Sanjiv sustained 11 2026:JHHC:30710-DB injuries on his arm, below his shoulder; Upendra sustained injuries on back of his shoulder and Shiv Shankar Sharma sustained injuries on his hand. Occurrence took place inside 8-10 meters, away from the road. Informant further stated that before the occurrence, he had met accused Mithun once, when Mithun had come to ask for work at O.N.G.C. Informant further stated that before the occurrence he had not met earlier with Immamul and Batala and after the occurrence also he did not meet Immamul and Batala. He does not know what work Immamul do and he does not what work Mithun do, but, Mithun came asking contract work in partnership.

22. In his cross-examination, conducted on behalf of Mithun Maksood, informant further stated that he knew Mithun from year 2015 itself and while doing civil work in O.N.G.C, there he had seen Mithun.

23. P.W.1, Upendra Kumar Rai has deposed in his evidence that that occurrence took place on 08.05.2016 at 10.00 to 11.00 p.m., in the night and at that time he was going to his house from Sector IV. When he reached near Ambedkar Chowk, one person was screaming "thief-thief", he was going slowly. Then he chased him by his vehicle, but, the accused came and assaulted him with knife to which he stopped from his left hand and then, the accused sat on his vehicle and assaulted on the right side of his rib as a result he sustained injuries and plenty of blood started oozing. Thereafter, on his halla, 15-16 persons came there and they chased the accused person and later on he was shifted to Hospital. After 15-20 days, through Newspapers, he came to know that person, 12 2026:JHHC:30710-DB who had stabbed knife was caught and his name was Mithun @ Maksood. He had seen his face on the day of occurrence and he had identified him in the court.

24. In his cross-examination, he deposed that he has no knowledge whether police had seized any knife from the possession of Maksood. At the time of stabbing knife, he did not know the name of the of the accused person, who had stabbed knife.

25. PW-2 Sanjeev Kumar Singh has stated in his evidence that occurrence took place on 08.05.2016 at about 09.00 to 10.00 p.m., in the night. 50th Marriage Ceremony of Upender Singh was being celebrated and he had also attended the ceremony. When he came out from the hall for going to his house, he hard halla, which occurred 15 meters behind him. He saw one person had caught the another, who stabbed him on his abdomen and blood started oozing out from his abdomen. Seeing this occurrence, 2-3 persons ran to catch the accused, but, the accused also assaulted them with the pointed object as a result they also sustained injury. PW-2 further stated that he also tried to catch the accused person, but the accused stabbed him by knife as a result he sustained injuries on elbow of his left hand. The accused was armed with knife. There was two other accused persons along with the main accused and these two accused persons, were threatening and were restraining the persons, who were restraining the main accused.

26. PW-2 has further stated that he had seen the face of the three accused persons in the light. The accused person, who committed stabbing, disclosed his name Maksud @ Mithun and the 13 2026:JHHC:30710-DB name of remaining two persons were Batala and Immamul. He and other injured were treated at B.G.H. Firstly, the person who was stabbed, his name was Pitamber and he fell down at the place of occurrence itself, due to injury. PW-2 further stated that Manoj, Tinku and one Home Guard, were also injured in stabbing by accused Mithun @ Maksud. Tinku is also known as Shiv Sharma. Pitambar, who was injured in stabbing, had died.

27. In his cross-examination, he stated that before the occurrence, he did not know Immamul and others, by name. The police had not conducted any T.I.P during investigation and after the occurrence he had not seen the

accused Immamul. He had seen Maksud, stabbing with knife from a distance of 10 meters. Maksud had attacked him and four other persons.

28. PW-3, Umesh Kumar Singh has stated in his evidence that occurrence took place in the night of 08.05.2016, between 9 p.m. to 10 p.m. He was participating in the 50th marriage ceremony of parents of Manish Parihar, which was organized at Sector-IV, Budh Bihar. While taking snacks on the stall near Gate, he saw accused Mithun @ Maksood, was stabbing knife to Pitambar Kumar Singh and Imamul and Batala were helping Mithun @ Maksood and they were pushing the persons who were coming to save the injured. During treatment the Officer-in-Charge of the Sector-IV police station, had recoded the fardbeyan of the injured Manoj Kumar Singh, in his presence. After the fardbeyan Manoj Kumar Singh, had signed on it and as a witness, he and Shankar Kumar Sharma @ Tinku, had also signed over the fardbeyan. The signature of PW-3 14 2026:JHHC:30710-DB on the fardbeyan was marked as Ext.-1. PW-3 had also signed on the inquest and his signature on the inquest report was marked as Ext.-2.

29. In his cross-examination, he stated T.I.P of Immamul and other accused was not conducted. He had seen, the occurrence of stabbing by knife and at that time 15-16 persons were present there. He did not know the name of the accused person, who had stabbed knife.

30. P.W.4 Ravi Shankar @ Ravi Shanker Pandey has stated in is evidence that occurrence took place on 18.05.2016 in the night in between 9.30 to 10.00 p.m. and during the occurrence he was at Buddh Vihar, where the 50th marriage Ceremony of the parents of Manish Parihar was being celebrated. When he was taking snacks, inside the campus, he heard some noise sound, then, he went near gate and saw one person armed with knife and he stabbed thrice with knife in the abdomen of Pitamber Singh as a result blood oozed out. PW-4 further stated that two associate of the said accused were restraining the persons who were going to save Pitamber Singh. Some persons, who tried to save Pitamber Singh, they were also injured by the said accused person by knife. The name of the persons who were injured was Manoj Kumar Singh, Shiv Shankar Sharma, Sanjeev Kumar Singh, Upender Rai. In the meantime, many persons assembled, then the accused persons fled away calling their name to each other. The accused, who was armed with knife, he named two of his associates namely Immamul and Batla and said them to flee away. The accused, who was armed with 15 2026:JHHC:30710-DB knife, his name was Mithun. All the injured were taken into BGH, where the doctor declared Pitamber, dead and other persons were treated in the Hospital.

31. P.W.5 Shiv Shankar Sharma had stated in his evidence that occurrence took place on 18.05.2016, in the night in between 9.00 to 10.00 p.m and on that date, he had gone to Buddh Vihar, to attend the 50th marriage Ceremony of the parents of Manish Parihar. In the party, he was talking with Manoj Kumar Singh and Pitamber was also there. At that time Mithun was roaming in the party, then Manoj told him about the wrong conduct of Mithun and to keep vigil on accused Mithun. Accused Mithun was along with his 2-3 associates. He and Pitamber started keeping vigil on the accused persons.

32. PW-5 further stated that in the meantime he and Pitamber went towards gate to keep vigil on the accused, then, Mithun and his associates came inside. Then, accused Mithun, took out the knife from his waist and stabbed 2-3 times on the abdomen of Pitamber. Immamul and Batla were also accompanying Mithun. He intervened, then accused Mithun assaulted him on his hand with knife as a result thumb of his right hand was cut. When Manoj Kumar Singh came to rescue him and Pitamber, then Mithun stabbed Manoj Kumar Singh, with knife four times as a result he sustained injury on both sides of the abdomen. Immamul and Batla, were restraining those persons, who were coming for rescue and were helping Mithun to flee away from the place of occurrence. 16

2026:JHHC:30710-DB Thereafter, all the three accused persons flew away from the place of occurrence.

33. PW-5 further stated that all the injured were taken to BGH where Pitamber was declared dead and he along with other injured were treated in the hospital. Fardbayan of Manoj Kumar singh, was recorded by the Officer-in-Charge of Sector-IV police station in his presence and in presence of Umesh Kumar Singh, over which had signed. PW-5 had identified his signature over the fardbeyan, which was marked as Exhibit -1/1.

34. In his cross-examination, PW-5 stated that prior to occurrence, he had no knowledge about the name of accused, but, while fleeing away, accused persons were taking each other's name, hence, he knew the name of he accused persons. He heard the name of the accused persons in the commotion of the crowd. No T.I.P of accused Immamul, Batla and Mithun were made during the investigation.

35. P.W.7 Ranvir Kumar, is the brother of the Pitamber (deceased). He has stated in his evidence that occurrence took place on 18.05.2016, in the night in between 9.00 to 10.00 p.m., and at that time he was at his home. He received telephonic information from Umesh Kumar Singh and Tinku, about the incidence of stabbing by knife to his brother Pitamber, who was being taken to the B.G.H. On such information, he rushed to the Hospital and saw the dead body of his brother Pitamber and he saw two knife injury on the abdomen of deceased. He further came to know that 4-5 persons were injured in the incidence, who were being treated in the 17

2026:JHHC:30710-DB hospital. Injured Manoj Kumar, Sanjeev, Tinku and others told him that at Buddha Vihar Sector-IV, 50th marriage anniversary of parent Manoj Parihar was being celebrated and there accused Immamul, Batla, Manbul and Mithun had inflicted knife blow on the abdomen of his brother Pitamber and when Upender Rai, Manoj Kumar Singh, Sanjeev Kumar and Tinku, tried to save Pitamber, they were also assaulted by the accused Mithun with knife and they also sustained injury. PW-7 had signed on the inquest report, he identified his signature which is marked Ext. -2/1.

36. PW-8, Dr. R.K. Mishra, had examined the injured Manoj Kumar Singh(informant). He had deposed that on 08.05.2016, he was posted at Bokaro General Hospital, Bokaro in Department of Surgery as a Joint Director. On same date and time at 10.10 P.M, he examined Manoj Kumar Singh and found following injuries: -

1. Two penetrating injuries:

i. Right lower chest: 1" x 1/2" and it was muscle deep ii. Left hypochondrium and it was also 1" x 1/2" muscle deep PW-8 Doctor opined that injury was grievous which was caused by Sharp and pointed object. He has proved the injury report of Manoj Kumar Singh(informant), which was marked as Ext. -3.

37. PW-9 Dr. Nilay Kumar, had examined the injured Upendra Kumar Rai. He had deposed that on 08.05.2016, he was posted at Bokaro General Hospital, Bokaro in Department of Surgery as a Specialist. On same date and time at 10.10 P.M., he examined Upendra Kumar Rai and found the following injuries: -

1. Penetrating injuries:

i. Right lower lateral chest: 1" x 4" deep 18 2026:JHHC:30710-DB ii. Right hand little finger PW-9 Doctor opined that injury was grievous which was caused by Sharp object. He has proved the injury report of Upendra Kumar Ray, which was marked as Ext. -3/1.

38. PW-10 Dr. Awadh Kishore, was posted at Bokaro General Hospital, Bokaro on 08.05.2016, in Department of Casualty as a A.D.M.O (Assistant Departmental Medical Officer). On same date and time at 10.10 P.M, he had examined Upendra Kumar Rai and found the following injuries:-

1. Penetrating injuries:

i. Right lateral margin of chest ii. Right hand penetrating injury iii. Right lateral hand

39. PW-10 Doctor opined that injury was caused by sharp object. He has proved the injury report of Upendra Kumar Ray, which was marked as Ext. -3/2.

40. PW-11, Dr. Ravi Shekhar, had conducted post-mortem examination of deceased Pitamber Kumar Singh. He had deposed that on 09.05.2016, he was posted at Sub-Divisional Hospital, Chas, Bokaro, as a Medical Officer. On same date and time at 03.00 P.M, he had conducted post-mortem examination of deceased Pitamber Kumar Singh and found the following: -

Rigor mortis present in all four limbs, Eye-closed, mouth-closed, tongue - inside.

1. Externally:-

A incised wound 3"x3/4"x3/4" over left hypochondrium. A penetrating wound 5"x 1½" x ½" over lower part of Chest. All these wounds are ante-

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2. On dissection: -

1. Skull: Brain Intact, 2. Thorax; Large amount of blood and blood clot present in the thoracic cavity. Lower part of lung of left side was lacerated. Right lung: intact.

3. Heart: Left chamber of heart lacerated and punctured. Both chamber of heart empty

4. All other viscerae like liver, spleen, kidneys, were pale. Stomach semi-digested food and gases.

5. Bladder contains about 60 ml urine.

6. Cause of death:- Cardio-respiratory failure due to hemorrhagic shock which was due to lacerated and punctured heart and lung which was caused by stab injury over lower part of chest.

Time elapsed since death: Within 24 hours

41. PW-11 Doctor had proved the postmortem report of deceased Pitamber Kumar Singh, which was written by him and it bears his signature which on identification was marked as Ext.- 4.

42. PW-12, Dr. Ranjeet Kumar, had examined the injured Shiv Kumar Sharma. He deposed that on 08.05.2016, he was posted at Bokaro General Hospital, Bokaro in Department of Casualty as a A.D.M.O (Assistant Divisional Medical Officer). On same date and time at 10.40 P.M, he examined Shiv Kumar Sharma S/o Kailash Sharma and found cut wound over right hand, Thenar Space to mid of base of thumb and index finger.

43. PW-12 Doctor opined that injury was simple in nature caused by sharp object. He has proved the injury report of Shiv Kumar Sharma, which was marked as Ext. -3/3.

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44. PW-13, Dr. Surya Deo Pandey, had examined the injured Sanjeev Kumar Singh. He had deposed that on 08.05.2016, he was posted at Bokaro General Hospital, Bokaro in Casualty as a Sr. Deputy Director. On same date and time at 10.50 P.M, he examined Sanjeev Kumar Singh and found incised wound 2 1/2" x 1" x 1" size.

45. PW-13 Doctor opined that injury was simple in nature caused by sharp instrument. He has proved the injury report of Sanjeev Kumar Singh, which was marked as Ext. -3/4.

46. PW-14, Aditya Kumar Mishra, is the Investigating Officer of the case. He had stated in his evidence that on 09.05.2016 at 00.30 hrs., he went to Ward No. 2 A, Bed No. -259 of Bokaro General Hospital, where he recorded the fardbayan of Manoj Kumar Singh in presence of witness Umesh Kumar Singh and Shiv Shankar Sharma (Tinku). The fardbayan, on identification was marked as Ext-5. On the basis of fardbayan, FIR being Sector-IV P.S Case No 81/2016, dated 09.05.2016 [u/s 307, 302, 324/34](#) IPC was lodged against Mithun and others. Investigating Officer stated that endorsement on the fardbayan, was in his writing and signature, which on identification was marked as Ext.-5/1. He identified the writing and signature of Birendra Tiwary, the then Officer-in-Charge on formal FIR which he identified and was marked as Ext.- 6.

47. Investigating Officer further stated that injury requisition of the injured persons Manoj Kumar Singh, Sanjeev Kumar Singh, Upendera Kumar Rai and Shiv Shankar Sharma were prepared by ASI Anil Kumar Singh, which were marked as Ext.-7 to Ext.-7/3 respectively. He recorded the re-statement of informant Manoj 21 2026:JHHC:30710-DB Kumar Singh in the hospital and also recorded the evidence of witness Shiv Shankar Sharma, Sanjiv Kumar Singh, Upendra Kumar Rai, who supported the prosecution case and stated that accused Mithun@ Mukshud Ansari, Manbhul@ Abdhul Sah Kalam Ansari, Immamul Ansari, Perla @ Farukh Ansari, Batla Ansari and Saifuddin Ansari, who accompanied Mithun Ansari had stabbed knife to deceased Pitamber Kumar Singh and Mithun had injured others with knife and in course of treatment Pitamber Kumar Singh, succumbed to injuries. He prepared the inquest report of the dead body in presence of witness Umesh Kumar and Ranvir Kumar. The carbon copy of the inquest report is marked as Ext.-8.

48. Investigating Officer further stated that he inspected the place of occurrence, which is situated at Buddha Bihar main gate near Jagganath Temple where the blood was scattered and he described the boundary of place of occurrence. He received the confessional statement of Mithun @ Muksood Ansari given in Harihur P.S. case No. 32/2016 [u/s 399, 402 IPC](#) and 25 (1-b) a/26 [Arms Act](#). He had found the criminal antecedent of Mithun. He obtained photocopy of fardbayan recorded by officer-in-Charge Santosh Kumar in Harihar P.S Case No. 32/2011 and confessional statement of Mithun, which on identification was marked X and X/1 respectively.

49. In cross-examination, the investigating officer stated that he cannot say about the any entry of Sanha in the Police Station. He recorded the statement of injured at BGH and after recording fardbayan of the informant, he started the investigation of the case. 22

2026:JHHC:30710-DB He stated that he did not draw sketch map of the place of occurrence and did not collect soil mixed with blood. He did not seize any knife or dagger used in the alleged offence.

50. PW-15, Dr. Jaynath, had examined Manoj Kumar Singh. He deposed that on 08.05.2016, he was posted at Bokaro General Hospital, Bokaro, in Casualty as a A.D.M.O (Assistant Divisional Medical Officer). On same date and time at 10.10 P.M, he examined Manoj Kumar Singh and he found following injuries:-

(i) Penetrating wound over right hypo chondric region, Size 4cm x 2 cm approximately.

(ii) Penetrating wound over left lumber region Size 4cm x 2 cm approximately.

51. PW-15, Doctor has stated that nature of Injury taken from treating surgeon of Dr. S.P.Choudhary Unit. He opined that injury was caused by sharp and pointed object. He has proved the injury report of Manoj Kumar Singh, which was marked as Ext. -3/5.

52. Defence had examined three witness DW-1Isshak Ansari, DW-2 Sahajaha Ansari and DW-3 Jahangir Ansari.

53. DW-1, Isshak Ansari had deposed that Nikah of his daughter was solemnized on 09.05.2016, prior to that some ritual performance of marriage was done from 08.05.2016, in which Immamul Ansari, who is his cousin brother (mouserai bhai) had participated since 08.05.2016 to 10.05.2016. He proved the marriage card of his daughter which was marked as Exhibit-Y for identification and further proved the photographs of his daughter and his son-in-law in which Immamul Ansari was standing behind them which was marked as Exhibit-Y for identification. 23

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54. D.W-2, Sahajaha , had deposed that Immamul Ansari was present in the marriage Ceremony of Afsana Praveen D/o Ishak Ansari and he had attended on the occasion since 08.05.2016 to 10.05.2016.

55. D.W-3, Jahangir Ansari, had deposed that Immamul Ansari presence, was present on the occasion of marriage of his niece held since 08.05.2016 to 10.05.2016 in the village.

56. After due appreciations of evidences, the learned trial Court has found the charges proved beyond reasonable doubt against these appellants and accordingly, appellants were convicted and sentenced as aforesaid, against

which the present appeals have been preferred.

57. This Court, on the basis of aforesaid factual aspect vis-à-vis argument advanced on behalf of parties, is now proceeding to examine the legality and propriety of impugned judgment of conviction and order of sentence by formulating following questions to be answered by this Court:

(I) Whether the prosecution has proved the charges under [Sections 307](#) and [324](#) of the Indian Penal Code against the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, for allegedly stabbing the victims with a knife.

(II) Whether the evidence adduced during the course of trial is sufficient to prove the charge under [Sections 302/34](#) of the Indian Penal Code, against the appellant Md. Maksood Ansari @ 24 2026:JHHC:30710-DB Mithun @ Maksud Ansari, Batla Ansari @ Sarfudin Ansari @ Batla and Immamul Ansari beyond reasonable doubt.

Re: Issue No.(i)

58. This issue is whether the prosecution has proved the charges under [Sections 307](#) and [324](#) of the Indian Penal Code against the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, for allegedly stabbing the victim with a knife.

59. In the present case, it has been alleged that the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, had stabbed knife to Upendra Rai (PW-1), Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-5) and the informant Manoj Kumar Singh (PW-6) and these four victims were the injured eyewitnesses.

60. At this juncture, this court think it apposite to refer to certain authorities pertaining to evidentiary value of the injured eyewitness.

61. The law is well settled that the judgment of conviction can be passed on the basis of the evidence of injured eyewitnesses which has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly, as per the judgment rendered by Hon'ble Apex Court in the case of [State of M.P. v. Mansingh](#), (2003) 10 SCC 414. Relevant paragraph of [the said judgment](#) is being referred hereunder as :- .

"The evidence of injured witnesses has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly. Merely because there was no mention of a knife in the first information report, that does not wash away the effect of the evidence tendered by the injured witnesses PWs 25 2026:JHHC:30710-DB 4 and 7. Minor discrepancies do not corrode the credibility of otherwise acceptable evidence. The circumstances highlighted by the High Court to attach vulnerability to the evidence of the injured witnesses are clearly inconsequential. It is fairly conceded by the learned counsel for the accused that though mere non- mention of the assailants' names in the requisition memo of injury is not sufficient to discard the prosecution version in entirety, according to him it is a doubtful circumstance and forms a vital link to determine whether the prosecution version is credible. It is a settled position in law that omission to mention the name of the assailants in the requisition memo perforce does not render the prosecution version brittle."

62. Likewise, in case of [Neeraj Sharma v. State of Chhattisgarh](#), (2024) 3 SCC 125, at paragraph-22 of the judgment Hon'ble Apex Court held as follow-

"22.The importance of injured witness in a criminal trial cannot be overstated. Unless there are compelling circumstances or evidence placed by the defence to doubt such a witness, this has to be accepted as extremely valuable evidence in a criminal trial."

63. Further, in case of [Birbal Nath v. State of Rajasthan](#), (2024) 15 SCC 190, the Hon'ble Apex Court reiterated that the statement of an injured eyewitness is an important piece of evidence which cannot be easily discarded by a court. Minor discrepancies do not matter. Paragraph-31 of [the said judgment](#) is quoted herein below-

"31. The High Court has gone wrong in its appreciation of the case, both on facts as well as on law. The statement of an injured eyewitness is an important piece of evidence which cannot be easily discarded by a court. Minor discrepancies do not matter. In [State of M.P. v. Mansingh](#)⁵ where conviction of the accused by the trial court, inter alia, under Section 302, [26](#) 2026:JHHC:30710-DB was set aside by the High Court on the so-called discrepancies of an injured witness this Court while allowing the State's appeal against the acquittal said this: (SCC p. 419, para 9) "9. The evidence of injured witnesses has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly. Merely because there was no mention of a knife in the first information report, that does not wash away the effect of the evidence tendered by the injured witnesses, PWs 4 and 7. Minor discrepancies do not corrode the credibility of otherwise acceptable evidence. The circumstances highlighted by the High Court to attach vulnerability to the evidence of the injured witnesses are clearly inconsequential."

64. Further, the Hon'ble Apex Court in the case of [Balu Sudam Khalde v. State of Maharashtra](#), (2023) 13 SCC 365, has laid down certain legal principles, which the Courts are required to keep in mind while appreciating the evidence of an injured eyewitness. Paragraphs 26 to 27 of [the said judgment](#) are being referred hereunder as-

"26. When the evidence of an injured eyewitness is to be appreciated, the undernoted legal principles enunciated by the courts are required to be kept in mind:

26.1. The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition. 26.2. Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused. 26.3. The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

26.4. The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

26.5. If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, [27](#) 2026:JHHC:30710-DB exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence. 26.6. The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded.

27. In assessing the value of the evidence of the eyewitnesses, two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, circumstances either elicited from those witnesses themselves or established by other evidence tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing upon the value which a court would attach to their evidence. Although in cases where the plea of the accused is a mere denial, the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or put forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities in respect of it will also have to be taken into account while assessing the value of the prosecution evidence."

65. Thus, from the aforesaid mentioned judgments, it is evident that the evidence of injured witness has greater evidentiary value and has to be accepted as extremely valuable evidence in a criminal trial. The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition. Evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

66. Re-adverting to facts of the present case, to answer the issue, this Court is proceeding to examine the testimony witnesses 28 2026:JHHC:30710-DB Upendra Rai (PW-1), Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-5) and informant Manoj Kumar Singh (PW-6), who were allegedly injured by the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari.

67. Firstly, this Court is examining the testimony of the informant Manoj Kumar Singh (PW-6).

68. Informant Manoj Kumar Singh (P.W.-6), had deposed that on 08.05.2016, in the night of 09.30 to 10.00 p.m., he participated in the 50th marriage ceremony of the parents of Manish Parihar, which was organised in Budha Vihar Sector IV. Informant along with Pitambar (deceased) and Shiv Shankar Sharma (PW-5), were taking snacks on the stall, where he saw accused Mithun (appellant herein) along with his two associates in the party. Then he told Pitambar and Shiv Shankar Sharma that those persons are not good, hence to keep vigil on them.

69. Informant has further stated that as soon as Pitamber went near Mithun, then, Mithun took out the knife and stabbed three-four times on his abdomen. When Shiv Shankar Sharma (PW-5), went to rescue him, then, accused Mithun also attacked him with knife as a result Shiv Shankar Sharma, sustained injury on his right thumb. Thereafter, the informant went to save them, then accused/appellant Mithun assaulted him with knife twice, as a result he sustained injuries on his left abdomen and at the right side of the bottom of his chest. After assaulting him, the accused persons moved forward from there, he raised started shouting, then, 3-4 persons from the crowd tried to catch the accused but the accused attacked them 29 2026:JHHC:30710-DB with knife due to which Upendra Kumar Rai (PW-1), Sanjiv Kumar Singh (PW-2) and other persons also sustained injuries.

70. Hence, informant had deposed that firstly the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, had stabbed knife to Pitamber (deceased), and thereafter, appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, had stabbed knife to four persons including the informant i.e. the informant Manoj Kumar Singh (P.W.-

6), Upendra Kumar Rai (PW-1), Sanjeev Kumar Singh (PW-2) and P.W.5 Shiv Shankar Sharma.

71. Further, the informant Manoj Kumar Singh (PW-6) had deposed that appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, had stabbed him with knife twice, as a result he sustained injuries on his left abdomen and at the right side of the bottom of his chest.

72. Dr. R.K. Mishra (PW-8) had examined the injured informant Manoj Kumar Singh (PW-6). Dr.R.K. Mishra (PW-8) had found two penetrating injuries on the person of the informant Manoj Kumar Singh viz (i) Right lower chest: 1" x ½" and it was muscle deep, and

(ii) Left hypochondrium and it was also 1" x 1/2" muscle deep.

73. Dr. R.K. Mishra, had opined that injury was grievous which was caused by sharp and pointed object. He has proved the injury report of Manoj Kumar Singh(informant), which was marked as Ext.

-3.

74. Again, another injured Upendra Kumar Rai (PW-1), had deposed that he had chased the accused by his vehicle, but the accused came and assaulted him with knife to which he stopped 30 2026:JHHC:30710-DB from his left hand and then the accused sat on his vehicle and assaulted on the right side of his rib as a result he sustained injuries and plenty of blood started oozing. PW-1 had testified that he had seen the face of the accused during the occurrence and identified the accused/ appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, in the court.

75. Further, Dr. Nilay Kumar (PW-9), had examined the injured Upendra Kumar Rai (PW-1). Doctor PW-9 had found two penetrating injuries on the body of Upendra Kumar Rai (PW-1)- (i) Right lower lateral chest: 1" x 4" deep, and (ii) Right hand little finger. PW-9 Doctor opined that injury was grievous which was caused by Sharp object. He has proved the injury report of Upendra Kumar Ray, which was marked as Ext. -3/1.

76. Again, another injured is Sanjeev Kumar Singh (PW-2) and he had deposed that the accused stabbed him by knife as a result he sustained injuries on elbow of his left hand. PW-7 had also stated that the accused person, who committed stabbing, disclosed his name Maksud @ Mithun.

77. Further, Dr. Surya Deo Pandey (PW-13), had examined the injured Sanjeev Kumar Singh (PW-2) and had found incised wound of size 2 1/2" x 1" x 1". Dr. Surya Deo Pandey opined that injury inflicted on Sanjeev Kumar Singh (PW-2), was simple in nature caused by sharp instrument. He has proved the injury report of Sanjeev Kumar Singh, which was marked as Ext. -3/4.

78. Again, injured Shiv Shankar Sharma (PW-5), had deposed that accused/appellant Mithun had assaulted him on his hand with 31 2026:JHHC:30710-DB knife as a result thumb of his right hand was cut. Dr. Ranjeet Kumar (PW-12), had examined the injured Shiv Shankar Sharma (PW-5) and had found cut wound over right hand, Thenar Space to mid of base of thumb and index finger. PW-12 Doctor opined that injury was simple in nature caused by sharp object. He has proved the injury report of Shiv Shankar Sharma, which was marked as Ext. - 3/3.

79. On a careful appraisal of the testimony of the prosecution witnesses, this Court finds that the said witnesses have categorically deposed that the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, on the date of occurrence, inflicted knife blows upon them i.e. Upendra Rai (PW-1), Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-5), and the informant Manoj Kumar Singh (PW-6), thereby causing injuries. The injuries sustained by these four witnesses stand duly corroborated by their respective injury reports, marked as Ext.-3/1, Ext.-3/4, Ext.-3/3, and Ext.-3.

80. Thus, upon cumulative consideration of the aforesaid evidence, it stands established that the prosecution has successfully proved the charges under [Sections 307](#) and [324](#) of the Indian Penal Code against the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, inasmuch as he inflicted knife injuries upon Upendra Rai (PW-1), Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-5), and the informant Manoj Kumar Singh (PW-6).

81. Accordingly, Issue No.(i) has been answered. Re: issue no.(ii) 32 2026:JHHC:30710-DB

82. The second issue is whether the evidence adduced during the course of trial is sufficient to prove the charge under [Sections 302/34](#) of the Indian Penal Code, against the appellant, Md. Maksood Ansari @ Mithun @ Maksud Ansari, Batla Ansari @ Sarfudin Ansari @ Batla and Immamul Ansari beyond reasonable doubt.

83. The learned Trial Court has held that the appellant, Md. Maksood Ansari @ Mithun @ Maksud Ansari, inflicted a dagger blow upon the abdomen of Pitamber (deceased) during a marriage anniversary party, which resulted in the latter's death. Relying upon the testimonies of P.W.2, P.W.5, and P.W.6, the Trial Court has further observed that the accused Batla @ Sarfudin Ansari and Immamul Ansari also participated in the commission of the offence and are responsible for the murder of Pitamber, having acted in furtherance of their common intention with Mithun @ Maksood Ansari.

84. In order to resolve the aforesaid issue under consideration, this Court has scrutinized the oral testimonies of the injured witnesses, namely Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-5), and the informant Manoj Kumar Singh (PW-6). These witnesses, who were present at the marriage anniversary gathering, have consistently deposed that they sustained injuries inflicted by the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, by means of knife stabbing, as recorded in the preceding paragraphs.

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85. Firstly, this Court is appraising the testimony of the informant Manoj Kumar Singh (PW-6).

86. The informant, Manoj Kumar Singh (PW-6) deposed that on 08.05.2016, between 9:30 and 10:00 P.M., he attended the 50th marriage anniversary celebration of the parents of Manish Parihar, organised at Budha Vihar,

Sector-IV. While taking snacks at a stall along with Pitambar (deceased) and Shiv Shankar Sharma (PW-5), he noticed the accused Mithun (appellant) present at the party with two/three associates. He cautioned Pitambar and Shiv Shankar Sharma that those persons were not of good character and advised them to remain vigilant. Thereafter, as soon as Pitambar (deceased) approached Mithun, the latter suddenly drew a knife and stabbed him three to four times in the abdomen and when Shiv Sharma (P.W.5) went to rescue him then the accused Mithun has also attacked with dagger by which he sustained injury on his right thumb thereafter, this witness went to save him then the accused again assaulted with dagger to this witness twice as a result informant sustained injuries on his left abdomen and another caused injury on his chest.

87. The informant further deposed that when the occurrence was being taken place on that time 2-3 persons were restraining the person who were trying to go near accused Mithun for rescue of Pitambar among them one is Batala (appellant herein) and another is Immamul (appellant herein). For ready reference the relevant paragraphs of testimony of P.W.6 is being quoted herein which reads as under:

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1. यह घटना 08.5.2016 के रात साढ़े नौ बजे से दस बजे के बीच की घटना है। मैं बुद्ध विहार सेक्टर-4 मनीष पररहार के माता वपता की पचासी सालविरह की पाटी में शावमल था। मैं वपताम्बर और वशि शंकर शमा, बाहर स्टॉल पर चाटे खाने के वलए िए थे िहीं पर मैंने दे खा वक वमथुन अपने दो तीन सावथयों के साथ पाटी मैं अंदर आ रहा है तब मैंने वपताम्बर और वशि शंकर शमा को यह बोला वक यह लड़का ठीक नहीं हैं इसपर नजर रखना। जैसे वपताम्बर उसके पास िया वमथुन छु रा वनकालकर उसके पेट में तीन चार छु रा मार वदया। उसको बचाने के वलए वशि शंकर शमा िया तो उसा पर भी चाकु से प्रहार वकया जो उसके दाएँ हाथ के अंठिठे पर लि िया। उसके बाद जब मैं इनलियों को बचाने िया तो मुझे दो जिह छु रा मारा। एक छु रा पैट के बाँ तरफ और दू सरा छु रा दाएँ तरफ के छाती के ठीक नीचे मारा िया। ििह न्यायालय में दोनों जख्ों के वनशान को वदखलाता है। उसके बाद मुझे मारकर जैसे ही िह ओ बढा तो मैं वचल्लाने ला। उस भीड़ में से तीन चार आदमी भी उसे पकड़ने का कौवशश वकए तो उसको भी छु रा मारकर जख्ी कर वदया।

3.वजस समय घटना काररत हो रहा था उस समय उसके दो तीन साथी वमथुन के पास आनिले आदमी को रोक रहे थे। उसके दो तीन सावथयों मैं बाटला और ईमामुल था। वमथुन पविम की और मवहला सवमवत की और भा िया और बाटला और ईमामुल ये बाईक से वकधर भो हमको नहीं मालुम ।]

88. Thus, from the testimony of the informant Manoj Kumar Singh (PW-6), it stands established that on 08.05.2016, during the marriage anniversary celebration at Budha Vihar, Sector-IV, the appellant Mithun @ Md. Maksood Ansari suddenly assaulted Pitambar (deceased) with repeated dagger blows on the abdomen, causing fatal injuries and when Shiv Shankar Sharma (PW-5) attempted to intervene, he too was attacked and sustained injury on his right thumb. The informant himself, while trying to rescue, was assaulted twice with the dagger, resulting in injuries to his left abdomen and chest.

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89. It further emerges from his deposition that during the occurrence, two to three associates of Mithun, including Batala @ Sarfudin Ansari and Immamul Ansari (both appellants herein), actively restrained persons who attempted to rescue Pitambar, thereby facilitating the assault.

90. Further, Sanjeev Kumar Singh (PW-2), had deposed that he was present in the marriage ceremony party and when he came out from the hall for going to his house, he heard halla, which occurred 15 meters behind him and he saw one person had caught the another who stabbed him on his abdomen by which blood started oozing out from his abdomen and on seeing him 2-3 persons also tried to catch the accused but he also stabbed them and

when this witness tried to capture him the accused also attacked with dagger upon him by which he also sustained injuries on his elbow.

91. He further deposed that two persons have associated to principal accused and both of them giving threat to all people not much only they were restraining the persons who induced to catch hold the main accused. He told that "Jaldi Bhago" then both of them escaped away on a motorcycle and main accused towards another side.

92. This witness has further disclosed in paragraph 3 of the examination-in-chief the name of Mithun who committed stabbing and rest two persons were Batala and Immamul. He has categorically stated that he had seen the aforesaid three persons in the electricity light. For ready reference paragraph 3 of the testimony of P.W.2 is being quoted herein which reads as under: 36

2026:JHHC:30710-DB "3. मैंने दोनों व्यक्ति का चेहरा िहाँ जल रहे वबजली के प्रकाश में अच्छी तरह से देखा चूँवक बाहर मैं लाईट की अच्छी व्स्थि की िई थी। चाकु से हमला करने िले व्यक्ति का नाम मकसूद उफा वमथुन था। बाकी अन्य दोनों व्यक्तियों का नाम बाटला और ईमामुल है। मेरा ईलाज बी. जी. एच. मैं हुआ। मेरे अल्लो वजतने भी व्यक्ति घायल हुए थे सभी का इलाज बी. जी. एच. मैं हुआ।"

93. Thus, the aforesaid deposition reveals that two associates of the principal accused Mithun namely Batala @ Sarfudin Ansari and Immamul Ansari, actively restrained and threatened persons who sought to apprehend Mithun, thereby facilitating his escape. PW-2 has categorically identified all three accused in the electric light at the place of occurrence, leaving no ambiguity as to their participation in the crime.

94. Again, another injured Shiv Shankar Sharma (PW-5), had deposed that he and Pitamber(deceased) had went towards gate to keep vigil on the accused persons, then, Mithun(appellant) and his associates came inside. Then, accused/appellant Mithun, took out the knife from his waist and stabbed 2-3 times on the abdomen of Pitamber(deceased). this witness has further deposed that Immamul and Batla (appellants herein) were also associating him and both of them were restraining the persons who were going towards Mithun (appellant herein). They were helping to Mithun to get free and go from the Place of occurrence. He has deposed that he tried to intervene and save Pitamber but Mithun has also attacked with dagger upon him by which he sustained injury on his right hand, for ready reference the relevant paragraph is being quoted herein which reads as under:

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2026:JHHC:30710-DB "1. यह घटना वदनांक 08.5.2016 की रावि- नौ बजे से दस बजे के बीच की है। ि वतवथ को मैं मनीष पररहार, की पचासी शादी की सालविरह जो बुद्ध, वबहार में हो रही थी मैं सक्तिवलत होने िया था। मैं मनोज वसंह के साथ फाटी में बात विचार कर रहे थे िहाँ वपताम्बर भी साथ मैं था। िहीं पुर वमथुन घुम रहा था तो मनोज ने हमसे कहां वक िह िलत आचरण का लड़का है।

उसपर नजर रखो। वमथुन के साथ दो तीन और लड़के थे। ि संवदग्ों पर मेरे ँ वपताम्बर द्वारा नजर रखी जाने ली। उसी बीच मैं और वपताम्बर टहलते हुए िट की तरफ ँ उस पर नजर रखते हुए। तब वफर वमथुन और उसका दो तीन साथी बाहर से अंदर आए। उसके बाद मैं और वपताम्बर भी अंदर आने लि इसी बीच मैरा फोन आया मैं फोन पर बात करने लि। वपताम्बर हमसे दो कदम ओ था। इसी बीच वमथुन अपने कमर से चाकु वनकाल कर वपताम्बर को दो तीन चाकु पेट में भारा। वमथुन के साथ ईमामुल और बाटला भी था। बीच बचा करने में िया तो बीच बचा करने में मुझे वमथुन के द्वारा हाथ पर चाकु से िर वकया िया वजससे मेरा दावहना हाथ में कट िया अंठिठा के नीचे।

3. ईमामुल और बाटला जो लो बचाने के वलए आ रहे थे उन्हें पकड़ रहा था और वमथुन को भिने में सहायता कर रहा था। तीनों लो िहाँ से भा िए। वमथुन सैक्टर-4 का मवहला सवमवत का बाउं ड्री फाँदकर भा िया। ईमामुल और बाटला बाईक से भा।"

95. Thus, the testimonies of all three injured eyewitnesses, namely, Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-

5) and the informant Manoj Kumar Singh (PW-6), establishes that they were present at the marriage anniversary party and saw the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, inflicting knife blow on the abdomen of Pitamber (deceased) and Immamul and Batla (appellants herein) were also associating him and both of them were restraining the persons who were going towards Mithun (appellant herein).

96. Now, coming to the medical evidence, this Court finds that post-mortem examination of Pitamber (deceased), was conducted 38 2026:JHHC:30710-DB by the Dr. Ravi Shekhar (PW-11). Doctor had found -incised wound 3"x3/4"x3/4" over left hypochondrium. A penetrating wound 5"x 1½"

x ½" over lower part of Chest. Doctor PW-11 opined that all these wounds were ante-mortem in nature and were caused by sharp cutting object or knife.

97. Hence, the oral testimonies of the injured eyewitnesses, namely, Sanjeev Kumar Singh (PW-2), Shiv Shankar Sharma (PW-

5), and the informant, Manoj Kumar Singh (PW-6), stand duly corroborated by the medical evidence adduced by the Doctor PW- 11, who had conducted the post-mortem examination of Pitamber (deceased).

98. In the present case, motive has not been established. However, the Investigating Officer has deposed that the appellant, Md. Maksood Ansari @ Mithun @ Maksud Ansari, has criminal antecedents in as many as eleven cases relating to offences of murder, attempt to murder, dacoity, theft, and violations under the [Arms Act](#). Further the appellant Batla Ansari @ Sarfudin Ansari @ Batla, has also criminal antecedents in as many as three cases relating to offences of theft, and violations under the [Arms Act](#).

99. From this circumstance, it may reasonably be inferred that the alleged occurrence could have been occasioned with the object of snatching or in furtherance of a graver offence such as looting.

100. Investigating officer has further deposed that place of occurrence, is near Buddha Bihar which is adjacent to Jagganath Temple, within Sector-IV Police Station where he found blood was 39 2026:JHHC:30710-DB scattered and he described the boundary of place of occurrence in detail at paragraph-7 of his evidence.

101. Thus, from the aforesaid testimony it is apparent that all the three accused/appellants came at the occasion of marriage anniversary of the parents of Manoj Parihar, however they came there in suspicious condition and informant said to deceased Pitamber that they have to be looked and care of, but when Pitamber (deceased) went to asked to accused Mithun then Mithun started stabbing to him and assaulted with dagger 4-5 blow on his abdomen who succumbed to his injury.

102. Further the witnesses Sanjeev Kumar Singh (P.W-2), Shiv Shankar Sharma (P.W-5), Manoj Kumar Singh (P.W-6) went to save Pitamber but accused Mithun also assaulted with dagger to them who sustained grievous injury.

103. The evidence of PWs also clearly indicates that while Mithun stabbing the deceased, the other co-accused Immamul and Batla were giving threat to persons who aspire to go to save Pitamber and both of them were helping the accused Mithun by way of restraining the people for not reaching near accused Mithun.

104. Thus, it is evident that the accused/appellants have succeeded to flee away after committing the offence in furtherance of common intention and intention of the accused/appellants has been substantiated from the evidence of Sanjiv Kumar Singh (P.W-

2), Shiv Shankar Sharma (P.W-5) and Manoj Kumar Singh (P.W-6).

105. Thus, fact emerges herein that accused/appellant Batla and Immamul Ansari were also associating the main accused Mithun 40 2026:JHHC:30710-DB and all they have come there in furtherance of their common intention and committed such offence.

106. At this juncture, it needs to refer herein the judgment of the Hon'ble Apex in the case of [Pandurang v. State of Hyderabad](#), AIR 1955 SC 216, wherein Hon'ble Apex Court laid down that a common intention presupposes prior concert. It requires a pre- arranged plan because before a man can be vicariously convicted for the criminal act of another, the act must have been done in furtherance of the common intention of them all. Paragraph-33 and 34 of this judgment is quoted herein below-

"33. Now in the case of [Section 34](#) we think it is well established that a common intention presupposes prior concert. It requires a prearranged plan because before a man can be vicariously convicted for the criminal act of another, the act must have been done in furtherance of the common intention of them all : [Mahbub Shah v. King Emperor](#). Accordingly there must have been a prior meeting of minds. Several persons can simultaneously attack a man and each can have the same intention, namely the intention to kill, and each can individually inflict a separate fatal blow and yet none would have the common intention required by the section because there was no prior meeting of minds to form a pre-arranged plan. In a case like that, each would be individually liable for whatever injury he caused but none could be vicariously convicted for the act of any of the others; and if the prosecution cannot prove that his separate blow was a fatal one he cannot be convicted of the murder however clearly an intention to kill could be proved in his case : [Barendra Kumar Ghosh v. King-](#)

Emperor² and Mahbub Shah v. King-Emperor³. As Their Lordships say in the latter case, "the partition which divides their bounds is often very thin : nevertheless, the distinction is real and substantial, and if overlooked will result in miscarriage of justice".

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34. The plan need not be elaborate, nor is a long interval of time required. It could arise and be formed suddenly, as for example when one man calls on bystanders to help him kill a given individual and they, either by their words or their acts, indicate their assent to him and join him in the assault. There is then the necessary meeting of the minds. There is a pre-arranged plan however hastily formed and rudely conceived. But pre-arrangement there must be and premeditated concert. It is not enough, as in the latter Privy Council case, to have the same intention independently of each other, e.g., the intention to rescue another and, if necessary, to kill those who oppose."

107. Again, in case of [Devi Lal v. State of Rajasthan](#), (1971) 3 SCC 471, Hon'ble Apex Court laid down that the words "in furtherance of the common intention of all" are a most essential part of [Section 34](#) of the Penal Code, 1860. It is common intention to commit the crime actually committed. This common intention is anterior in time to the commission of the crime. Common intention means a pre-arranged plan. Paragraph-13 of this judgment is quoted herein below-

"13. The distinction between [Sections 34](#) and 149 of the Penal Code, 1860 was not clearly noticed by the Sessions Court and the High Court did not deal with this point at all. Under [Section 34](#), when a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone. The words "in furtherance of the common intention of all" are a most essential part of [Section 34](#) of the Penal Code, 1860. It is common intention to commit the crime actually committed. This common intention is anterior in time to the commission of the crime. Common intention means a pre-arranged plan. On the other hand. Section 149 of the Penal Code, 1860 speaks of an offence being committed by any member of an unlawful assembly in prosecution of the common object of that 42 2026:JHHC:30710-DB assembly. The distinction between "common intention"

under [Section 34](#) and "common object" under Section 149 is of vital importance. The Sessions Court fell into the error of convicting the appellants under Section 302, read with [Section 34](#) of the Penal Code, 1860 by holding that "if a number of persons assault another with a stick mercilessly their intention can only be to murder that man or at least they should know that they are likely to cause death of the person concerned".

This aspect of their being likely to cause death would be relevant under Section 149 and not under [Section 34](#) of the Penal Code, 1860 for the obvious reason that under [Section 34](#) it has to be established that there was the common intention before the participation by the accused."

(emphasis supplied)

108. Hence, Hon'ble Apex Court laid down that a common intention presupposes prior concert. It requires a pre-arranged plan because before a man can be vicariously convicted for the criminal act of another, the act must have been done in furtherance of the common intention of them all. The words "in furtherance of the common intention of all" are a most essential part of [Section 34](#) of the Penal Code, 1860. It is common intention to commit the crime actually committed.

109. In the above guiding factor to infer the common intention it is evident from the aforesaid circumstances, that the accused persons had arrived together at the marriage anniversary celebration of the parents of Manish Parihar held at Buddha Vihar. The informant (PW-6) had already cautioned his companions to remain vigilant of Mithun @ Muksood Ansari and his associates. Immediately thereafter, as soon as Pitambar (deceased) approached Mithun, the 43 2026:JHHC:30710-DB latter drew a sharp-edged weapon (knife/dagger) and repeatedly assaulted him on the abdomen, causing him to collapse. In the meantime, the associates of the principal accused, namely Batla @ Sarfudin Ansari and Immamul Ansari, actively restrained and threatened those who attempted to intervene or render aid to the deceased, thereby facilitating the assault and enabling the principal accused to escape.

110. Thus, applying the guiding principle embodied in [Section 34](#) of the Indian Penal Code, and as discussed in the preceding paragraphs, this Court is of the considered view that all the accused/appellants, acting in furtherance of their common intention, caused murder of Pitamber and also caused injuries to other witnesses, namely P.W.2, P.W.5, and the informant P.W.6.

111. Accordingly, the prosecution has successfully proved the charge under [Sections 302/34](#) of the IPC against the appellant Md. Maksood Ansari @ Mithun @ Maksud Ansari, Batla Ansari @ Sarfudin Ansari @ Batla, and Immamul Ansari beyond all reasonable doubt.

112. Accordingly, Issue No.(ii) has been answered.

113. So far as the plea of alibi taken by appellant Immamul, who asserted that he was engaged in the marriage performance of his cousin sister between 08.05.2016 and 10.05.2016, is concerned, it is evident from the impugned judgment that the learned Trial Court, upon consideration of the marriage card and the oral evidence adduced, found that the said marriage was solemnized on 09.05.2016 and not on 08.05.2016, i.e., the date of occurrence. In 44 2026:JHHC:30710-DB view of this finding, the Trial Court rightly held that the defence evidence does not support the plea of alibi advanced by the accused Immamul Ansari. This Court finds no infirmity in the said conclusion, and the finding warrants no interference. Conclusion:

114. Accordingly, on the basis of discussions made hereinabove, the impugned judgment of conviction dated 31.03.2018 and order of sentence dated 04.04.2018 passed by the learned Additional Sessions Judge-II, FTC Bokaro in S.T. Case No.30 of 2017, require no interference and are hereby sustained and upheld.

115. Accordingly, the instant appeals, are hereby, dismissed.

116. Consequent, upon dismissal of these appeals, appellant Batla Ansari @ Sarfudin Ansari @ Batla [appellant in Cr. Appeal (DB) 574 of 2018] and Immamul Ansari [appellant in Cr. Appeal

(DB) 595 of 2018] since are enjoying the suspension of sentence after order passed by this Court directing to release him during pendency of the appeal, the bail bond of these appellants are hereby cancelled and appellants are directed to surrender before the learned trial court for serving out the sentence passed against them.

117. Needless to say, that if the said appellants will not surrender, the trial Court will take endeavors for securing custody of the appellants to serve out the sentence as inflicted by the learned trial court.

118. Pending interlocutory application(s), if any, also stands disposed of.

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119. Let the Lower Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment. I Agree.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

(Sanjay Prasad, J.)

High Court of Jharkhand, Ranchi

Dated: 13/10/2026

Rohit/-A.F.R.

Uploaded on 14.10.2026