IN THE HIGH COURT OFJHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 1460 of 2005

[Against the judgment of conviction and order of sentence dated 18.11.2005 & 19.11.2005 respectively, passed by the learned Addl. Sessions Judge, F.T.C.-IV, Deoghar in S.T. No. 106 of 2003.]

Lalit Verma, S/o. Late Biran Verma, R/o. Vill.- Barhaita, P.S.- Sarwan, Dist.- Deoghar. ……Appellant

Versus

The State of Jharkhand …. Respondent

For the Appellant : Mr. Ranjan Kr. Sinha, Advocate

For the State : Mr. Manoj Kr. Mishra, A.P.P.

PRESENT
CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
JUDGMENT

Dated: 21st September, 2026

By Court:-

1. At the outset, it appears that a counter affidavit has been filed by the learned A.P.P. stating therein that the appellant no. 1 Robin Goswami has died on 10.02.2014 and no substitution application has been filed by legal heirs of the appellant no.1. As such, appeal preferred by appellant no. 1 Robin Goswami stands abated.

2. Heard learned counsel for the appellant as well as learned A.P.P.

3. Instant criminal appeal is directed against the judgment and order of conviction and sentence dated 18.11.2005 & 19.11.2005 respectively passed by the learned Addl. Sessions Judge, F.T.C.-IV, Deoghar in S.T. No. 106 of 2003, whereby and whereunder, the appellant alongwith deceased appellant has been convicted and sentenced for the offence under Sections 4 of the Explosive Substance Act, 1908 and sentenced to

undergo R.I. for 7 years alongwith the fine of Rs. 3,000/-with default stipulation.

Factual Matrix:-

4. Factual matrix giving rise to this appeal is that on 21.04.2002 at about 12:00 P.M. on the occasion of Ram Navami festival, the informant while patrolling his area, reached village Badhaita at around 12:00 P.M. and heard the sound of a bomb blast. He ran in the direction of the bomb sound. As soon as, he reached in front of Lalit Verma's house, he saw complete silence. Upon questioning the nearby locals, he found that co-accused Robin Goswami (now deceased) was making bomb inside Lalit Varma's house which exploded. In this explosion, co-accused Robin Goswami alongwith Sarvesh Verma and Radheshyam Verma of village Badhaita, got injured. The appellant Lalit Verma carried Robind Goswami away on a bicycle and the villagers took Sarvesh Verma and Rajeshwar Verma to Deoghar for treatment. He was on the way to inform at police station but met Chhota Babu of the police station on the path and he recorded his fardbeyan.

5. On the basis of above information of the informant, an F.I.R. being Sarwan P.S. Case No. 28 of 2002 was registered against the present appellant including co-accused for the offence under Sections 3/4 of the Explosive Substance Act.

6. After completion of investigation, the charge-sheet was submitted against the present appellant and co-accused for the aforesaid offence and after taking cognizance, the case was committed to the Court of Sessions, where S.T. No. 106 of 2003 was registered.

7. The accused persons have denied the charges levelled against them and claimed to be tried.

8. In the course of trial, altogether 9 witnesses were examined by the prosecution apart from following documentary evidence:-

I. Exhibit-1: Signature of the informant on Fardbeyan

II. Exhibit-2 & 2/1: Injury report of Radheshyam Verma and Sarvesh Varma.

III. Exhibit-3 & 3/1: Signature of Nityanand Verma and Mahadeo Mandal on seizure list

IV. Exhibit-4 : Sanction order

9. On the other hand, no oral or documentary evidence has been adduced on behalf of the defence. The case of the defence is simply denial from the occurrence

10. The learned Trial Court after scrutinizing the evidence oral as well as documentary led by the prosecution, arrived at definite conclusion about the guilt of the appellant & co-accused for the offence under Section 4 of the Explosive Substance Act, 1908. Accordingly, the learned Trial Court convicted and sentenced the appellant and co-accused as stated above, which has been assailed in this appeal.

Submission on behalf of appellant:-

11. Assailing the impugned judgment, the learned counsel for the appellant has argued that the learned Trial Court has committed serious illegality while appreciating the evidence of witnesses examined in this case by the prosecution. It is further submitted that the evidence of prosecution is totally ineffective because the factual position of the occurrence is that all three injured persons were present at the house of

Lalit Verma (present appellant) on the day of Ram Navami, at that very time, two unknown persons came from outside and threw a bomb, which exploded and resulted in injuries to all three persons. It is further submitted that most of the prosecution witnesses have been declared hostile. It is also submitted that the place of occurrence has not been proved in absence of the investigating officer of this case and the prosecution has also failed to prove the alleged incident because no documentary evidence regarding the seizure of necessary elements of any explosive substance is available on record, nor is there any oral evidence from the witnesses present on the seizure list regarding the seized blood stained soil and this fact has not been supported by seizure list witnesses PW-8 & PW-9. Therefore, the allegation made regarding the explosion of the alleged bomb using bomb material at the alleged place of occurrence falls under the shadow of doubt. It is also submitted that since the present appellant was elected as the Head (Pradhan) of Khaira Mauza and Ishwar Chandra Mishra of the same village had opposed him. There was also a litigation between them, as such to take revenge, the opposition might have thrown bomb at the residence of the appellant. Therefore, the impugned judgment is absolutely beyond the weight of evidence, illegal, perverse and liable to be set aside. The appellant deserves acquittal from the charges levelled against him and, accordingly, this appeal may be allowed.

Submission on behalf of State:-

12. On the other hand, learned counsel for the state has opposed the aforesaid contentions raised on behalf of the appellant and defending the impugned judgment has submitted that the prosecution has been able to

prove its case. Prosecution has adduced Ext.-4, which is sanction order vide order No. 12 of 2002 passed by Deputy Commissioner-cum-District Magistrate, Deoghar, which clearly shows that the magistrate, finding the case against the appellant under Section 3/4 of the Explosive Substance Act, 1908, has granted sanction order for prosecution in competent court. PW-7 Dr. Raman Kumar had examined the injured persons and opined that all the injuries were simple in nature but these wounds were caused by a bomb-like explosive substance during its manufacturing. Therefore, the learned Trial Court has very wisely and aptly scrutinized the evidence adduced by the prosecution and committed no error of law while convicting and sentencing the appellant for the aforesaid offence calling for any interference in this case. This appeal is devoid of merits and fit to be dismissed.

Analysis, Reasons and Decision:-

13. I have gone through the records of the case alongwith the impugned judgment and order in the light of the contentions raised on behalf of both side.

14. The only point for consideration in this appeal is, as to whether the impugned judgment of conviction and sentence suffers from any serious error or law calling for any interference or not?

15. Before adjudicating the above point, it is pertinent to apprise with the testimony of the witnesses examined during trial.

16. It appears that altogether 9 witnesses have been examined by the prosecution.

PW-1 Kamdeo Burma has stated that on the day and time of alleged incident, it was the festival of Ram Navami. He was inside his

house, when he heard a sound. He came out running and saw people heading towards Lalit Varma's (appellant's) House. Someone on the way said that a bomb had exploded. He has further stated that the present appellant was carrying an injured on a bicycle and blood was oozing from the injured. He also saw Sarvesh Verma and Radheshyam Verma in an injured condition. Later on, he came to know that there was a land dispute in sister's village of Lalit Verma and the bomb was being manufactured with the intention for taking it there.

In his cross-examination, this witness has stated that the present appellant Lalit Verma is his relative. He further admits that he was newly elected Pradhan. He further deposed that he cannot explain about the incident as he was inside his house. He has further stated that Lalit Verma (present appellant) arrived at spot.

PW-2 Gajendra @ Rajendra Verma has been declared hostile as he has shown unawareness about the incident.

PW-3 Subal Pd. Verma has also been declared hostile by the prosecution.

PW-4 Radheshyam Verma has stated that he alongwith Robin Goswami and Sarvesh were sitting in the courtyard of Lalit. At about 9:00-10:00 o'clock, two persons came and threw bomb on us, due to which we got injured. There was Ram Navami festival at house of Lalit Verma. Thereafter, this witness has been declared hostile by the prosecution.

PW-5 Siromani Pd. Verma is the informant of this case. He has stated that at the time of occurrence, he was posted as Choukidar at Sarwan Police Station. The occurrence took place on 21.04.2002 at

about 9:00-10:00 A.M., when he reached village Badhaita, he heard sound like an explosion. He found that sound of blast had come from the house of Lalit Verma. Villagers were standing near house of Lalit Verma. He came to know from villagers that bomb was being manufactured in his house, that exploded and Robin Goswami was manufacturing. While entering in the house of Lalit Verma, he saw injured Sarvesh Verma and injured Radheshyam verma was not there. This witness has further stated that he came to know from villagers that there was land dispute in sister's house of Lalit Verma. He reported the incident to Chhota Babu (SI) in the police station, marked as ext. -1.

In his cross-examination, he has stated that he got the information from Prabhu Verma that sound of bomb explosion came from the house of Lalit Verma. He did not find any one in the house of Lalit Verma, therefore, he entered into the house of Lalit Verma. He has further stated that he can't tell the boundaries of Lalit Verma's house. He also did not recover anything from the house. Thereafter, he went to police station and explained the incident. He did not come to police station with the person who told him about explosion at house of Lalit Verma. He also did not record the name of that person in the fardbeyan. This witness has further deposed that villagers have also told him about land dispute in Lalit Verma's house.

PW-6 Sarvesh Verma is also one of the injured in said occurrence. This witness has also stated that he alongwith Robin Goswami and Radheshyam Verma were sitting in the courtyard, then bomb was thrown on them by unknown, due to which he lost his eye-sight. Thereafter, this witness has been declared hostile by the prosecution.

This witness has been cross-examined by the prosecution. He has stated that Robin Goswami had asked him one pudia (Shikhar) and gave him one rupee, thereafter, Robin Goswami went inside Lalit Verma's house, then, this witness went there to give pudia (Shikar) to Robin Goswami and at that time, bomb exploded. He has further stated that Lalit Verma was elected as Pradhan and Ishwar Chandra Mishra was opposition and there was litigation between them.

PW-7 Raman Kumar has examined the injured Radhes Shayma Verma and found following injureis:-

i. five lacerated cut 1" x ¼" x ¼" size on right hand.

ii. One lacerated cut ½" x ¼" x ¼" on right head.

iii. One lacerated cut ½ cm x ¼ cm x ¼ cm on right thigh.

iv. One abrasion 1" x ½" on left cheek.

Nature- All simple.

Weapon- Explosive substance

Age- Within 24 hours.

On the same day, he also examined Sarvesh Mahto and found following injuries on his person:-

i. Multiple abrasion in both eye lids and face with blood clots

Weapon- Explosive substance

Nature- opinion kept reserved.

Case was referred to the PMCH for specialize treatment. Such injury may be caused if the bomb in course of it manufacturing.

He has proved the injury report marked as Ext. 2 & 2/1.

PW-8 Nityanand Verma has accepted his signature on seizure list (ext. 3), but he has denied that on 21.04.2002 at about 13:00 hours, this exhibit (ext. 3) was seized. Thereafter, this witness has been declared hostile by the prosecution.

PW-9 Mahadeo Mandal has also been declared hostile by the prosecution. However, this witness has proved his signature on seizure list, marked as ext. 3/1.

17. On the other hand, defence has not examined any witness.

18. I have given anxious consideration to the overall aspects of the case and evidence available on record.

19. It appears that the instant case was instituted at the instance of Siromani Pd. Verma, (PW-5), who is happened to be Choukidar of the village. On the date of occurrence, there was procession for Ram Navami festival and when the informant (PW-5) reached in the village Badhaita, he heard sound of explosion. He went towards that place and found that sound of explosion came from the house of the present appellant Lalit Verma and came to know that bomb was being manufactured. Thereafter, he reported the matter in the police station. In the alleged occurrence, three persons sustained injuries on their different parts of body.

20. It further appears that the prosecution has not examined the investigating officer of this case due to which the place of occurrence has not been proved. There is no documentary evidence regarding the seizure of necessary elements of any explosive substance available on record, which can suggest that bomb was being manufactured at the house of the present appellant. Seizure list witnesses, namely,

Nityanand Verma (PW-8) and Mahadeo Mandal (PW-9) in whose presence blood stained soil was seized, have also been declared hostile by prosecution. It further appears that not a single witness has come forward to state that he has seen the appellant or accused persons manufacturing the bomb or having any ingredients used for making of bomb. The learned Trial Court has come at conclusion only on the evidence of informant, rather the hostile witnesses including the injured witnesses Radheshyam Verma (PW-4) and Sarvesh Verma (PW-6) have categorically stated that when the injured persons were sitting in the courtyard of Lalit Verma (present appellant), two persons came there and threw a bomb on them. The informant has also stated in his cross-examination that he did not recover anything from the house of appellant. The witnesses have also stated about dispute in the village during election of village Pradhan and the appellant was elected as Pradhan of the village.

21. From the aforesaid discussion and reasons, I arrive at conclusion that the learned Trial Court has miserably failed to properly appreciate the ocular testimony of witnesses. The overall attending circumstance brought on record clearly indicates that there was no recovery of any bomb particle and also there was no FSL report. Simply, on the basis of oral testimony of informant, the learned Trial Court convicted the appellant for the offence under Section 4 of the Explosive Substance Act, 1908. Therefore, the learned Trial Court has committed serious error of law while scrutinizing the evidence available on record led down by prosecution in right perspective and arrived at wrong conclusion.

22. Accordingly, the impugned judgment of conviction and order of sentence of the appellant passed by the learned Trial Court is hereby set aside.

23. This appeal is **allowed**.

24. Pending I.A.(s), if any, stands disposed of.

25. The appellant is on bail. He is discharged from the liability of bail bond and sureties are also discharged.

26. Let a copy of this judgment alongwith the trial Court records be sent back immediately to the concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand at Ranchi
Dated: 21/09/2026
Rahul- NAFR
Uploaded On: 30/09/2026