

**Session Trial No.60/2026**

**State Vs. Vikash Kumar Singh**

1

District :- Aurangabad (Bihar)

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS**

**JUDGE, AURANGABAD**

Present :- Rajeev Ranjan Kumar,  
Sessions Judge,  
Aurangabad (Bihar)

Session Trial No. 60/2026  
[Mufassil P.S. Case No.162/2025]

Dated, the 16<sup>th</sup> day of April, 2026

State through Sashi Singh.....Prosecution

**Versus**

(1) Vikash Kumar Singh.....Accused person

For the State :- Sri Ajay Kumar, Ld. P.P.

For the Defence :- Sri Praveen Singh Ld. Adv.

Date of Offence	25.04.2025
Date of First Information Report	01.05.2025
Date of Charge-sheet	12.01.2026
Date of framing of Charges	10.02.2026
Date of commencement of evidence	17.02.2026
Date on which judgment is reserved	08.04.2026
Date of the Judgment	16.04.2026
Date of the Sentencing Order, if any	N.A.

Rank of the accused	Name of the accused	Date of arrest	Date of release 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.
1	Vikash Kumar Singh	17.11.2025	N.A.	108 of BNS 2024	Acquitted	N.A.	N.A.

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES**

**A. Prosecution**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Kamal Kishore Kumar	Hostile Witness
PW2	Sashi Singh (Informant)	Hostile witness
PW3	Kusum Devi	Hostile witness
PW4	Ravinder Singh	Hostile Witness
PW5	Ashok Kumar (Officer In-Charge)	Other Witness
PW6	Dr.Brajesh Kumar	Medical Witness

**B. Defence Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	-	-

**C. Court Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1	-	-

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1	Ext P1	Signature of witness over Fardbeyan
2	Ext P2/PW5	Endorsement
3	Ext P-3/PW-6	Post-mortem Report
4	Ext P4	FSL Report

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

1. The sole accused person named as Vikash Kumar Singh had been charged for an offence u/s 108 of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as BNS) and after framing of charge, it was explained to the accused persons in Hindi to which he pleaded not guilty and claimed to face trial before the court. Hence, the present trial has been made against the accused person.

2. The prosecution case is as follows: The daughter of informant named as Sushma Devi whose marriage was solemnized with petitioner Vikash Kumar Singh in the year 2014 as per Hindu rites and custom. Subsequently, her husband and her in-laws subjected her torture for unlawful demand of dowry. It is further alleged that on dated 25.04.2025 at about 2:30PM, he was informed that his daughter had been poisoned by the petitioner and her in-laws. When he went to the hospital with his family members, the doctor advised referred to another hospital for better treatment. On dated 26.04.2025, at around 10:30 AM, she was brought to NMCH Jamhore Hospital, where she passed away. It is alleged that petitioner and her in-laws collectively administered poison to his daughter.

3. On the basis of aforesaid written report and FIR vide Mufassil P.S. Case No.162/2025 was registered for an offence under Section 103(1), 123, 3(5) of BNS. After investigation of the case, charge-sheet was submitted against aforesaid accused person. On the basis of charge-sheet, the Ld.Magistrate was pleased to take cognizance on dated 20.01.2026 for the offence u/s 108 BNS and issued process against the accused person on dated 02.02.2026 and on the same date, the case was committed to the court of Sessions. The charge against him was framed on dated 10.02.2026.

4. The point for determination in the present case is whether the prosecution has been able to prove the charges levelled against the accused beyond all reasonable doubt.

5. The prosecution has brought six witnesses from its side in order to prove its case. **PW1 is Kamal Kishore Kumar** who states before the court that this

case has been filed by his father (PW2). Deceased Sushma Devi was his sister. She died due to poison. Marriage of deceased Sushma Devi was solemnized with Vikash Singh. Deceased in-laws had not demanded dowry, nor did they harass her. She passed away in the hospital. At that time, the deceased was living in her in-laws' house. **On the request of prosecution, this witness has been declared hostile.** During his cross-examination, he stated that the husband and the in-laws of his sister, had never demanded dowry nor they tortured her. His sister was treated affectionately by them. Sushma was mentally unwell. She had brought medicine to apply on her head, but instead of applying it, she ingested the medicine. He mistakenly filed a case. Sushma was not given poison by anyone nor she died as a result of someone administering poison.

6. **PW2 is Sashi Singh who is informant in this case** and had stated that he had filed this case. His daughter name is Sushma Devi. 10-11 months ago, she was died. Her mental condition was not well. She died by her own act. His daughter was living in her matrimonial home. She died in hospital. **On the request of prosecution, this witness has been declared hostile.** During cross-examination, he stated that petitioner and deceased in-laws had never demand any dowry nor tortured her. Her daughter had never told him about the demand of dowry. He filed this case under a misunderstanding. Sushma was mentally weak His daughter was not killed by her in-laws by administering poison. She had brought medicine to apply on her head, but instead of applying it, she ingested the medicine.

7. **PW3 Kusum Devi** is the elder sister of deceased who stated that in the month of April 2025 at about 04:00PM, his sister had consumed poison. Police have recorded his statement. Husband of deceased is Vikash Singh. Her sister consumed poison after having an argument with her husband. She died at Jamhore Hospital. **On the request of prosecution, this witness has been declared hostile.** During cross-examination, she stated that she is the elder sister of deceased. Sushma Devi was well-treated by her in-laws. Sushma Devi had three children. Her children are staying with their paternal grandparents, who take care of them. Her in-laws had never tortured her nor demanded any dowry. Later, it was learned that deceased had consumed medicine by her own act. The accused persons did not give poison to Sushma Devi.

**8. PW4 Ravinder Singh** who has stated that occurred was taken place before four -five months ago. He is the parental uncle of deceased. Police have recorded his statement. Sushma consumed poison and committed suicide by herself. **On the request of prosecution, this witness has been declared hostile.** During cross-examination, he stated that Sushma Devi was well-treated by her in-laws. Sushma Devi had three children. Her children are staying with their grandparents who take care of them. Her in-laws had never tortured her nor demanded any dowry. Sushma devi was mentally unwell. Sushma Devi was taken to the hospital by her husband(petitioner herein) and in-laws for treatment.

**9. PW5 Officer in-charge of Muffasil Police station** who stated that he inspected the the crime scene. He recorded the re-statement of the informant and statement of witnesses Kamal kishore, Kusum Devi, Ravinder Kumar, Anju Singh, Sunita Devi, and Lalan Singh. The post-mortem report was obtained. Its viscera report was sent to Patna, which has been received and attached to the case diary. During forensic laboratory examination, it was found that poison was present in the deceased's body. During cross-examination, he stated that he did not prepare a site plan. No items were recovered from the crime scene. Videography of the crime scene was not conducted by him.

**10. PW6 is a Doctor** who conducted the post-mortem of the deceased and found the followings:

*External Examination:- Bluish discoloration of all four limbs chest and face.*

*On Dissection:- Skull- Skull bone intact, brain substance and meninges are intact and congested. Neck and chest- Neck Muscle,bone, trachea and larinx intact. Bony cage bilaterali intact, lungs bilateraly intact and congested.*

*Heart intact and contains blood in its chambers.*

*Abdomen.- Liver, spleen and kidney are intact and congested.*

*Stomack contains mucigenous substance, small intestine contains fluid and gas, large intestine contains feacal mater and gas.*

*Urinary bladder empty.*

*Uterus-Small and non gravid*

*Cause of death could not be ascertained. So,seven visceras are preserved in*

*seven separate salin jar duly signed and well labeled and handed over to accompanying police man to send these all to FSL for chemical examination.*

*The viscerae are 1. Heart, 2. Lungs, 3. Liver, 4. Spleen, 5. Right Kidney, 6. Stomack and its contents and 7. Small intestine and its contents.*

*Time elapsed since death till PM examination 6-12 hours.*

During cross-examination, he stated that he had not handed over the dead body of the deceased to her family. The dead body is the property of deceased's family. He had not received viscera report. Cause of death could be finalised after receiving of viscera report from FSL. Age of injury depends upon rigor mortis. Rigor mortis was present. Rigor mortis starts soon after the death and its starts to disappear after 36 hours approximately. Rigor mortis depends upon various factors including seasons.

**11.** Ld. Counsel for defence has strongly contended that the prosecution has failed to prove its case beyond reasonable doubt. It is submitted that all the witnesses, including the informant and close family members, have not supported the prosecution case and have clearly stated that there was no demand of dowry and that the deceased was living happily in her matrimonial home. All witnesses have declared hostile by the prosecution itself except PW5 and PW6 who are officer in-charge and doctor respectively. The entire foundation of the prosecution story thus collapses. The investigation suffers from serious lapses, such as non-preparation of seizure list, absence of videography, failure to prepare a sketch map, which creates grave doubt on the fairness of the investigation. The defence submits that mere suspicion, however strong, cannot take the place of proof. In absence of any credible, consistent, and reliable evidence, the accused persons are entitled to benefit of doubt. Hence, it is prayed that the accused persons be acquitted of all the charges.

**12.** Learned P.P. vehemently opposed the contention of the learned counsel for the defence and submitted that the death of Sushma Devi occurred under circumstances warranting serious scrutiny. The medical evidence indicates the presence of poison in the deceased's stomach, and though the presence of a toxic substance points to unnatural ingestion. It is further contended that while some witnesses have turned hostile, their statements do not completely demolish the prosecution case. He has submitted that the matter must not be viewed in a manner that completely absolves the accused, and the totality of circumstances should be

considered before granting any relief.

**13.** Heard either side and perused the record.

**14.** On careful consideration of the evidence and submissions of both parties, the court finds that the prosecution has failed to prove the charges against the accused, Vikash Kumar Singh, beyond reasonable doubt. All the witnesses produced by the prosecution, including the informant (PW2), the brother of the deceased (PW1), her elder sister (PW3), and her uncle (PW4), have been declared hostile by the prosecution. However, during their cross-examination, they clearly stated that the deceased, Sushma Devi, was mentally unwell and had voluntarily consumed medicine, which ultimately led to her death. There is no credible evidence to suggest that the accused or his family members had administered poison to her. The testimony of witnesses also shows that the deceased was treated with love and care by her husband and in-laws. Her children were being properly looked after by their grandparents, and the accused even took the deceased to Jamhore Hospital for medical treatment when she consumed poison. They have further stated that the deceased was living well in her matrimonial home and that no demand of dowry was ever made. Importantly, none of these witnesses have alleged any cruelty, harassment, or assault upon the deceased by the accused person. Though these witnesses were declared hostile by the prosecution. The court notes that the presence of poison in the deceased's stomach, as reported by the police and the doctor, does not establish culpability of the accused in the absence of direct evidence linking him to its administration. Further, there are lapses in the investigation, such as the non-preparation of a site plan, no videography of the scene, and no recovery of any incriminating items from the house of the accused, which further weakens the prosecution's case. These deficiencies create serious doubt regarding the prosecution case and the fairness of investigation. Thus, the chain of circumstances is clearly incomplete and unreliable. It is well established that in cases based on circumstantial evidence, every link in the chain must be firmly proved and must point only towards the guilt of the accused. Suspicion, however strong, cannot take the place of proof. In the present case, the prosecution has failed to establish a complete chain of circumstances.

15. In view of the above discussion, this Court finds that the essential ingredients required to constitute offence under Section 108 of the BNS has not been proved. The prosecution has failed to establish any demand for dowry, any act of cruelty, or any direct or indirect involvement of the accused person in the death of the deceased. The mere fact that in the FIR the informant alleged that the accused and his familymembers had administered poison to the deceased cannot by itself lead to conviction, as in his chief and cross-examination, the informant himself stated that the deceased was mentally unwell and that, due to a misunderstanding, he had lodged a case against the accused and her in-laws. During cross-examination, he further stated that the deceased's in-laws had never demanded any dowry nor tortured her. In view of the above, it is res integra that no case under law is made out against the accused/Petitioner. Consequently, this Court holds that the prosecution has miserably failed to prove the charges beyond reasonable doubt.

16. On the basis of discussions abovemade, the prosecution has completely failed to prove the charge levelled against accused facing trial as there is no cogent and corroborative evidence available on the record to prove the offence against the accused.

17. On considering the facts, circumstances and material available on the record and discussion made above, this Court is of considered opinion that prosecution has miserably been failed to prove its case beyond reasonable doubt.

18. Accordingly, the accused person named as **Vikash Kumar Singh** is **hereby acquitted of the charges under Section 108 of BNS, 2023**. Since **Vikash Kumar Singh** is in custody, as such office is directed to issue release order immediately.

Dictated & corrected by me

Dictated by me

(Rajeev Ranjan Kumar)  
Sessions Judge  
Aurangabad  
16.04.2026

(Rajeev Ranjan Kumar)  
Sessions Judge  
Aurangabad  
16.04.2026