

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE 2ND

JAMUI

Session Trial No. 15/2018, CIS No. 15/2018

(Khaira P.S case no.-16/2012)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha

D.A.S.J -II Jamui.

Date of Judgment:- 19.03.2026

S.Tr. No.-15/2018

Police Station :- Khaira

PS Case No. :- 16/2012

Under Section :- 304(B)/34 IPC & 3/4 Dowry Prevention Act

State (Through *Informant Sharwan Kumar Pandey*)

..... Prosecution.

V.

1.Dinesh Pandey

2.Dayanand Pandey

3. Urmila Devi

.....Accused Persons

Counsel for the State:-

Sh. Manoj Kumar Singh P.P.

Counsel for the Defence:-

Sh. Sachidanand Yadav, Advocate

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FORM B

Date of Offence	01.02.2012
Date of F.I.R.	03.02.2012
Date of Framing of charge	14.05.2018
Date of commencement of evidence	18.05.2018
Date on which judgment is reserved	10.03.2026
Date of the judgment	19.03.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	1.Dinesh Pandey 2.Dayanand Pandey 3. Urmila Devi	Bail on surrender Bail on surrender Bail on surrender
Date of release on bail	1.Dinesh Pandey 2.Dayanand Pandey 3. Urmila Devi	31.05.2012 10.12.2012 31.05.2012
Offences Charged with	1.Dinesh Pandey 2.Dayanand Pandey 3. Urmila Devi	304(B)/302/34 IPC & 3/4 D.P. Act 304(B)/302/34 IPC & 3/4 D.P. Act 304(B)/302/34 IPC & 3/4 D.P. Act
Whether acquitted or convicted	1.Dinesh Pandey 2.Dayanand Pandey 3. Urmila Devi	Acquitted Acquitted Acquitted

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Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	1.Dinesh Pandey 2.Dayanand Pandey 3. Urmila Devi	- - -

FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Sharwan Kumar Pandey	Informant
PW-2	Ashok Yadav	Villager
PW-3	Kailash Yadav	Villager
PW-4	Kamleshwari Singh	Villager

Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

Court witnesses, if any

Rank	Name	Nature of evidence
CW-1	None	None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:-

Sr.No.	Exhibit No.	Description
1	Nil	Nil

B. DEFENCE:

Sr. No.	Exhibit No.	Description
	Nil	Nil

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C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

D. Material Objects:

Sr. No.	Material Object No.	Description
1.	Nil	Nil

JUDGMENT

1. The Accused 1. Dinesh Pandey, 2. Dayanand Pandey and 3. Urmila Devi stand tried for offence of committing dowry death of Bibha Devi in furtherance of their common intention and for giving and taking dowry from the relatives of bride and also alternatively charged for committing murder of Bibha Devi, allegedly on 1st day of February 2012 at Dumar Kola, P.S.-Jamui, District-Jamui.
2. The prosecution case in brief is that on the basis of written information of Shrawan Kumar Pandey, the Khaira PS Case No- 16/2012 dated 03.02.2012 was registered u/s 304(B)/34 IPC & 3/4 D.P Act against four named persons including the trial facing accused persons wherein he has stated that his daughter was married with Dayanand Pandey about 3 years before as per Hindu customs and rituals. At the time of marriage he had given Rs. 50,000/- as expenses of marriage. His daughter after marriage went to her sasural. But after one month his son-in-law and his parents started torturing his daughter for dowry and demanded 1 lakh rupees. His daughter informed him about the dowry demand over mobile and told that her mother-in-law used to lock her inside the room and even stopped food to her and

threatened that she will not live peacefully till her father fulfills the dowry demand. When the informant talked to Dinesh Pandey the father-in-law he also asked him to fulfill the dowry demand else he will get his son remarried. The informant showed inability to fulfill such huge demand but they did not pay attention to his condition and misbehaved with him. His daughter gave birth to a male child but behavior of her in-laws did not change. On 28.01.2012 his daughter told him over phone that if one lakh rupees will not be given to her in-laws they will kill her. The informant tried in-vain to contact them. On 03.02.2012 when the informant went to matrimonial house of his daughter, he found the house locked, the nearby people informed him that the accused persons have murdered his daughter on 01.02.2012 and have cremated the dead body.

3. The I.O after investigation submitted the Chargesheet No. 158/2014 dated 29.09.2014 against all three trial facing accused persons, consequent upon which cognizance vide order dated 08.10.2014 was taken for offence u/s 304(B)/34 IPC & 3/4 D.P Act and the record after commitment was received in the Sessions Division as S.Tr. No.-15/2018.
4. The Charges against Dinesh Pandey, Dayanand Pandey and Urmila Devi were framed on 14.05.2018 for offence u/s 304(B)/34, 302/34 IPC & 3/4 D.P Act to which they pleaded not guilty and claimed to be tried. The prosecution evidence was closed on 03.01.2024 and the statement of accused persons were recorded u/s 313 of the Cr.P.C. on 22.02.2024 wherein they denied the evidences against them and pleaded innocence. When the case was fixed for final argument a petition u/s-311 of Cr.P.C was filed on behalf of prosecution on 29.07.2024 which was allowed on 20.09.2024 and thereafter three more witnesses were examined on part of prosecution. The prosecution evidence was finally closed on 20.02.2026 and the statement of all three accused persons were recorded u/s-313 of Cr.P.C wherein they denied the evidences against them and pleaded innocence. On the written

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submission of defence their evidence was closed and after hearing from the parties the record is today fixed for judgment.

5. The points for determination before this Court is whether the prosecution has proved the charges against the accused persons beyond all reasonable doubts.

FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused persons has produced PW-1 Shrawan Kumar Pandey, PW-2 Ashok Yadav, PW-3 Kailash Yadav and PW-4 Kamleshwari Singh. There is no document as proved and exhibited on part of the prosecution. The defence on the other hand has not produced any evidence either oral or documentary in its support.

7. PW-1 Shrawan Kumar Pandey who is the informant of this case has stated in his examination-in-chief that the incident occurred in the year 2015 at 10:00 in the night. He was at his house. When suddenly there came a call over phone that Bibha Kumari has fallen sick. He had married his daughter with Dayanand Pandey three years before at village Dumar Kola. He had filed this case and the written application was given to Khaira P.S which bears his signature which he identified. The witness identified the accused Dinesh Pandey present before the Court and claimed to identify others upon seeing them. During cross-examination he has stated to have identified the accused persons as they are his relatives. In cross para-9 he has stated that due to rumor and wrong information he had filed this wrong case. In para-10 he has stated that his daughter died of heart disease. In para-11 he has stated that the petition given before the Khaira PS was not read over to him. In para-12 he has stated that his grand son is happily living with his father. In para-13 he has stated to have cordial relation with the in-laws of his late

daughter and he frequently visits them. Lastly in para-15 he has stated that the accused persons are innocent and he has deposed voluntarily.

8. PW-2 Ashok Yadav has stated in his examination-in-chief that the incident occurred about 10 years before at about 10:00 in the day. He was at his house. He heard that the wife of Dayanand suffered heart attack. When he went there he saw her as dead. The father-in-law of Dayanand Pandey lodged the case against Dayanand and his family members. Dayanand Pandey was married about 8 years before. The witness identified the accused Dinesh Pandey present before the court and claimed to identify others upon seeing them. During cross-examination he has stated that the accused persons did not commit murder of Bibha Devi and has stated to identify the accused persons as they are his co-villagers. During Court question he relied in para-5 and 6 that Bam Shankar informed him that the wife of Dayanand Pandey suffered heart attack. Bam Shankar lives at Dumar Kola and is a quack. In para-7 he has stated not to know whether Bam Shankar treated Bibha Kumari or not. In para-8 he has stated not to have seen Bibha Kumari dying. In para-9 he has stated that there was no postmortem done. In para-11 he has stated that when he reached at the PO, the dead body of Bibha was on bed (chauki). In para-12 he has stated that no information was given to the police and dead body was put to fire.

9. PW-3 Kailash Yadav has stated in his examination-in-chief that he knows Dayanand Pandey. He does not know where he was married. His wife died in the house of Dayanand Pandey. Upon hearing the hue and cry he went to the house of Dayanand Pandey and saw his wife had died. This case has been filed by father-in-law of Dayanand Pandey. The witness identified Dinesh Pandey present before the Court and claimed to identify others upon seeing them. During cross-examination he has stated to identify the accused persons as they are his co-villagers. When asked that whether Bibha Kumari died due to some poison or assault by the accused persons he has replied that

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she died of disease. During Court question he has stated not to know she was suffering from which disease. In para-7 he has stated that Dinesh Pandey used to tell that his daughter-in-law remains sick but did not tell him about the disease. In para-9 he has stated that Bibha Kumari died within 2-3 years of her marriage. In para-10 he has stated that the police was not informed. In para-12 he has stated that his house is situated at a distance of 2-3 bigha from the house of accused persons. And lastly in para-13 he has stated not to have ever heard about any quarrel between Bibha Kumari and her in-laws.

10. PW-4 Kamleshwari Singh has stated in his examination-in-chief that the incident occurred about 8-10 years before. He knows Dayananand Pandey. He was married in village Lal Bigaha. His wife died 10 years after marriage. Upon hearing the hue and cry he went to the house of Dayanand and saw his wife as dead. His wife died due to disease. There was no mark of any injury on her body. The witness identified the accused Dinesh Pandey present before the Court and claimed to identify others. During cross-examination he has stated that he identifies the accused persons as they are his co-villagers. In para-4 he has stated that no one ever told that she has been murdered, rather she died of disease. During Court question he has replied that there are 10 houses between his house and the house of accused persons. In para-7 he has stated that the police did not come on the alleged date of occurrence but had come after 2-4 days. In para-9 he has stated know that she died of disease when there was hue and cry in the village. And lastly he has stated to have seen the dead body of Bibha Kumari.

11. The accused persons have completely denied the evidences against them in their respective statements under section 313 of the Cr.P.C and have pleaded innocence.

12. The Court on the basis of materials available on record finds that the informant himself who is father of deceased Bibha Kumari has not supported his own written information upon which this case was lodged. He has even

stated not to know what was written in the written information as the same was not read over to him. The informant himself has stated that the accused persons are innocent and his daughter died of heart disease. He has not stated anything on point of demand of dowry either in his chief-examination or during cross-examination. The informant in cross-examination in para-9 has clearly mentioned that due to rumor and wrong information he has filed a wrong case. It is thus clear from the testimony of informant that there is nothing on record regarding involvement of the accused persons in commission of the offences alleged. PW-2, PW-3 and PW-4 have also not stated even a single word against the accused persons and have stated that they never heard even about any quarrel between Bibha Kumari and her in-laws. They all have testified that Bibha Kumari died of some disease. To attract valid presumption u/s-113(B) of Indian Evidence Act it is incumbent upon prosecution to first establish the offences alleged against the accused persons which sadly is not found in this case and therefore provisions u/s-113(B) of Indian Evidence Act cannot be attracted in the instant case. As there was no demand of dowry proved by the prosecution the offence alleged u/s-304(B) and 3/4 DP Act stands not proved. Therefore the accused persons Dayanand Pandey, Dinesh Pandey and Urmila Devi are held not guilty of the offence charged u/s- 304(B) and 3/4 DP Act in this case.

13. Next comes the alternatively charged Section 302/34 IPC the onus of proving which is on prosecution which on the basis of materials available on record does not deem fit even to stand on its own legs because the informant himself has not supported his own case. The essential ingredients of the offence of murder has been found as not fulfilled. The Court finds that the prosecution has not proved the charge against the accused persons and therefore the accused persons Dayanand Pandey, Dinesh Pandey and Urmila Devi are held not guilty of the offence charged u/s-302/34 IPC in this case.

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ORDER

14. The accused 1. Dinesh Pandey S/o Late Mathura Pandey 2. Dayanand Pandey S/o Dinesh Pandey and 3. Urmila Devi wife of Dinesh Pandey all residents of village Dumar Kola, P.S.-Khaira, District Jamui are hereby acquitted of all charges u/s-304(B)/34, 302/34 IPC & 3/4 D.P Act in this case. The accused persons are on bail hence they are discharged from the liability of their bail-bonds. However in terms of Section 437(A) Cr.P.C. the accused persons are directed to furnish personal bond in the sum of Rs. 10,000/-. Pursuant to compliance of Section 437(A) Cr.P.C. the file be consigned to the Record Room.

Dictated, corrected, signed and pronounced by me in the open Court.

(Sudhir Sinha)
District & Addl. Sessions Judge-II
Jamui
19.03.2026

(Sudhir Sinha)
District & Addl. Sessions Judge-II
Jamui
19.03.2026

Date of Judgment/Order	19.03.2026
Date of Reserving/Order	10.03.2026
Uploading Date	19.03.2026
Uploaded by	Ankit Raj, Court Reader cum D.W