

**IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II
JAMUI**

S.Tr. No. 36/2018, CIS No. 36/2018
(Sono Charka Pathar P.S case no.-201/2016)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha
District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 16.04.2026

S.Tr. No. 36/2018

Police Station :- Sono Charka Pathar
PS Case No. :- 201/2016
Under Section :- 120(B)/121(A) IPC & 3/4 Explosive Substance Act
& 16/17/18/19/20/21/22 UAP Act

State (Through *Informant Hareram Paswan*)

..... Prosecution.

V.

1. Congress Yadav

.....Accused

Counsel for the State:-

Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:-

Sh. Kishori Das, Advocate

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FORM B

Date of Offence	11.12.2016
Date of F.I.R.	11.12.2016
Date of Framing of charge	12.02.2018
Date of commencement of evidence	13.03.2018
Date on which judgment is reserved	08.04.2026
Date of the judgment	16.04.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	Congress Yadav	11.08.2017
Date of release on bail	Congress Yadav	05.05.2018
Offences Charged with	Congress Yadav	147/148/149/120(B)/ 121(A) IPC & 3/4 Explosive Substance Act & 16/17/18/19/20/21/22 UAP Act
Whether acquitted or convicted	Congress Yadav	Acquitted
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	Congress Yadav	8 months 24 days

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Nipat Sah	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
1.	Nil	Nil

C. Court Exhibit

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

D. Material Objects:

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

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JUDGMENT

1. The accused Congress Yadav stands tried for offence of unlawfully and maliciously exploded bomb to endanger life and for possession of explosive substance a bomb, knowingly keeping in possession and under control explosive substance namely the bomb giving rise to reasonable suspicion that it was not meant for lawful object and make a planing to attack on Police party to cause death, it was in the knowledge of accused, committed terrorist Act, recruited persons for commission of a terrorist act, attempted to commit or advocate, abet, advice or incite the commission of terrorist act, were members of terrorist organization involved in terrorist activity, under common intention of all allegedly on 11.12.2016 at about 12:00 AM at Forest area of Jhari Pahari, Near Mundwala, PS-Sono Charka Pathar, District-Jamui.
2. The case of prosecution in brief is that on the basis of self statement of Hareram Paswan, RAF, SSB 6th Batalian, the Sono (Charka Pathar) PS Case No.-201/2016 dated 11.12.2016 was registered u/s- 147/148/149/120(B)/121(B) IPC & 3/4 Explosive Substance Act & 16/17/18/19/20/21/22 UAP Act against accused persons wherein he has stated that on 11.12.2016 at about 5.00 in the morning along with S.S.B and C.R.P.F Maheshwari proceeded from Charka Pathar P.S for Anti Naxal operation. This campaign was lead by A.S.P Jamui. While searching forest area they reached in front of Mundwala, near Jharo Pahari at 12.00 noon and saw a man sat in suspicious condition, hiding in the bushes. He started fleeing away upon seeing them. He chased him and caught by S.S.B and C.R.P.F Jawans. After interrogation he told his name as Puran Murmu and disclosed that he and naxal Surang were planning to attack on police party. Lal Mohan, Darogi, Naresh Das, Congress Yadav, Sonu Saw and Saudi Yadav were along with him. They fled away towards forest upon seeing the police and he hid in the bushes on that place. He disclosed that explosive have been hidden by them which can be recovered. Thereafter they went to the place where explosive

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was hidden. The villager Mohan Baske who had come to the forest for cutting wood was with them as witness and in his presence the explosive materials were seized. The seized item was three small gas cylinder, three gelatin rods, three electric detonater with a red wire coming out, about 20 meters of wire, Naxal pamphlet-10 on which there was a message against the social oppression on women, Naxal letter Pad on which there was written CPI-Maoist. Above items were seized and seizure list was made in presence of witness Mohan Baske. The document were asked from Puran Murmu but he did not show any documents and nor gave satisfactory answer as to from where he had brought this item. Puran Murmu was formally arrested and taken to police station. Hence, the FIR was registered.

3. The IO after investigation submitted the charge sheet no.-240/2017 dated 30.10.2017, consequent upon which cognizance for offence u/s-147/148/149/120(B)/121(A) IPC & 3/4 Explosive Substance Act & 16/17/18/19/20/21/22 UAP Act was taken against the accused and the record after commitment was received in the Sessions Division as S.Tr.No.-36/2018 for trial of accused Congress Yadav. The case record is amalgamated with S.Tr. No 348/2017 vide order dated 06.01.2021. During trail of S.Tr No. 348/2017 the case record S.Tr 36/2018 is revoked vide order dated 08.04.2026.

4. The charges against accused was framed on 12.02.2018 u/s-147/148/149/120(B)/121(A) IPC & 3/4 Explosive Substance Act & 16/17/18/19/20/21/22 UAP Act to which he pleaded not guilty and claimed to be tried. The prosecution evidence was closed on 25.03.2026. The statement of accused Congress Yadav was recorded u/s 313 of the Cr.PC wherein he denied the evidences against him and pleaded innocence. On the written submission of defence their evidence was closed and having heard from both parties the record is today fixed for judgment.

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

FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused has produced PW-1 Nirpat Sah. There is no document as proved and exhibited on part of prosecution. The defence has not produced any evidence either oral or documentary in its support.
7. PW-1 Nirpat Sah has stated in his examination-in-chief that he does not know anything about the alleged incident. Police had not inquired him. On the request of prosecution he was declared as hostile witness. During cross examination in para-6 he has stated to have deposed voluntarily without any pressure or coercion. Lastly in para 8 he has stated that he has come to depose on notice.
8. The Court on the basis of material available on record does not find the case as proved, so that guilt of accused be ascertained. The I.O of this case despite all processes did not appear to depose as witness in this case. The prosecution could produce only single witness who was declared as hostile witness. The IO and the prosecutor has not produced on record the test report of the seized materials alleged to be used in making bombs (explosives). The prosecution has not produced even the informant, and the I.O despite being given ample opportunity spanning almost eight years to produce the witnesses. The Court finds that prosecution has failed to produce sanction order taken by the I.O. for prosecution of accused persons under section 7 of Explosive Substance Act, and as per provisions of section 45 of U.A.P .Act, and further finds that prosecution has failed to establish the alleged act of the accused, facing trial as terrorist act as per provisions of section 15 of U.A.P. Act. The prosecution has not been able to prove the charge against the

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accused beyond all reasonable doubts. The accused is reasonably entitled to be acquitted from this case and therefore he is held not guilty of the offence charged u/s- 147/148/149/120(B)/121(A) IPC & 3/4 Explosive Substance Act & 16/17/18/19/20/21/22 UAP Act. The evidence available on recorded are therefore not such clinching that proves the guilt of the accused in commission of the offence charged in this case.

ORDER

9. The accused Congress Yadav, S/o- Tej Narayan Yadav, resident of vill- Nawa Ahar, P.S- Charka Pathar, Dist- Jamui is hereby acquitted of all charges u/s 147/148/149/120(B)/121(A) IPC & 3/4 Explosive Substance Act & 16/17/18/19/20/21/22 UAP Act in this case. The accused is on bail, hence he is discharged from the liability of his bail bond. However in terms of Section 437(A) Cr.P.C. the accused is 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)
Distt. & Addl. Sessions Judge-II
Jamui.
16.04.2026

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
16.04.2026

Date of Judgment/Order	16.04.2026
Date of Reserving/Order	08.04.2026
Uploading Date	16.04.2026
Uploaded by	Ankit Raj, Court Reader cum D.W