

UAPA Case No. 86/2015
State Vs. Rajendra Yadav and Another
Judgment Dated 29-06-2026

FORM 'A'

IN THE COURT OF :- THE DISTRICT & ADDITIONAL SESSIONS JUDGE, JAMUI PRESENT :- SRI AMIT KUMAR ADDITIONAL SESSIONS JUDGE, JAMUI (DATE OF JUDGMENT :- 29-06-2026) (UAPA CASE NO. :- 86 OF 2015) (S.J.) (Jhajha PS Case No. 123/2015)	
Complainant / Informant :-	The State of Bihar through informant – Dubey Dev Guru, P.O./A.S.I., Officer-in-Charge, Jhajha P.S.
Learned counsel for the prosecution :-	Sri Sanjeev Kumar Singh, Ld. Addl. P.P.
Accused Person/s :-	1. Rajendra Yadav, S/o Late Chhoti Yadav, R/o Village – Sikardih, 2. Dullo Yadav vaisi Ray @ Baidhnath Ray, All P.S. – Jhajha, District – Jamui (BIHAR) <i>[Note: The record of the third co-accused, Bedu Yadav, was separated (file split) vide order of this Court dated 15.05.2019.]</i>
Learned counsel for the defence :-	Ld. Advocate Sri Chandan Kumar Singh. Ld. Advocate Sri Nawal Kishor Sha.

FORM 'B'

Date of Offence :-	15.07.2015
Date of FIR :-	15.07.2015 (Jhajha P.S. Case No. 123/2015)
Date of Chargesheet :-	29.02.2016
Date of Cognizance :-	08.08.2017
Date of framing of Charges :-	22.05.2019
Date of commencement of Evidence :-	N.A.
Date on which Prosecution Evidence was closed :-	09.06.2026
Date of recording statement u/s 313 Cr.P.C. :-	16.06.2026
Date on which Judgment is reserved :-	N.A.
Date of Judgment :-	29.06.2026
Date of the Sentencing Order, if any :-	NA

ACCUSED DETAILS :-

Ra nk	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged With	Acquitted / Convicted	Sentence Imposed
1.	Rajendra Yadav	15.07.2015	--	16/17/18/19/20/21/22 of the U.A.(P) Act	Acquitted	Not Applicable
2.	Dullo Yadav vaisi Ray @ Baidhnath Ray	27.04.2017	--		Acquitted	

FORM 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES :-

A. Prosecution Witnesses :-

Rank	Name of Witness	Nature of Evidence
PW	Nil (no prosecution witness was produced or examined)	Nil

B. Defence Witness :-

Rank	Name of Witness	Nature of Evidence
DW	Nil	

C. Court Witness :-

Rank	Name of Witness	Nature of Evidence
NA	Nil	Nil

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS :-

A. Prosecution Exhibits :-

Sl. No.	Exhibit Number	Description
NA	Nil	No exhibit could be proved as no prosecution witness was examined

B. Defence Exhibits :-

Sl. No.	Exhibit Number	Description
NA	Nil	

C. Court Exhibits :-

Sl. No.	Exhibit Number	Description
NA	Nil	

D. Material Objects / Exhibits :-

Sl. No.	Exhibit Number	Description
NA	Nil	

JUDGMENT

1. The above named accused persons, namely Rajendra Yadav and Dullo Yadav vaisi Ray @ Baidhnath Ray, are facing trial for the offences punishable under **Sections 16, 17, 18, 19, 20, 21 and 22 of the Unlawful Activities (Prevention) Act, 1967**, upon the allegation of being members of and harbouring a terrorist/unlawful organisation and of possessing Naxal/Maoist literature. Record of accused Bedu Yadav is separated vide order dated 15.05.2019.
2. The brief story, as merely alleged in the FIR and the case diary (none of which has been proved by any evidence at the trial), is that on 15.07.2015 at about 08:00 A.M. the informant Dubey Dev Guru, Officer-in-Charge, Jhajha P.S., is said to have received information from the Superintendent of Police that certain persons connected with Maoists had assembled near a school. Acting on the said information, a raid is stated to have been conducted along with S.T.F. and C.R.P.F. personnel, in the course of which one person is alleged to have been apprehended while two others are said to have fled. The apprehended person allegedly disclosed his name as Rajendra Yadav and named the two who had fled as Bedu Yadav and Sulo Yadav @ Surendra Yadav. It is further alleged that on personal search of the apprehended accused, certain printed materials were said to have been recovered and seized by way of a seizure list, and the three persons were arrested for alleged possession of Naxal literature.

3. On the basis of the said written report, a formal F.I.R. was instituted vide **Jhajha P.S. Case No. 123/2015 dated 15.07.2015** under Sections 16/17/18/19/20/21/22 of the U.A.(P) Act against the named accused persons. After investigation, the I.O. submitted charge-sheet, whereupon charges were framed against the accused persons under the aforesaid sections, to which they pleaded not guilty and claimed to be tried. It is pertinent to mention that the record of the third co-accused, Bedu Yadav, was separated (file split) vide order of this Court dated 15.05.2019, and the present trial proceeded only against the two accused persons named above.
4. After framing of the charge, the prosecution was repeatedly invited and granted sufficient opportunity to adduce its evidence. However, **not a single prosecution witness was ever produced or examined** before the Court. The record reveals that ample and repeated opportunities were afforded to the prosecution to secure the attendance of its witnesses, in the following manner:
 - (i) Summons for prosecution evidence was issued on 11.06.2019.
 - (ii) Thereafter, dasti (hand) summons was issued on 30.03.2022.
 - (iii) On 13.05.2025, letters bearing Letter Nos. 66 and 67 were addressed to the District Magistrate and the Superintendent of Police for production of the witness(es).
 - (iv) Again, on 08.09.2025, reminders bearing Letter Nos. 176 and 177 were issued to the District Magistrate and the Superintendent of Police.
 - (v) Despite the aforesaid repeated processes and reminders, and despite affording the prosecution every reasonable and sufficient opportunity, the witness(es) were not produced before the Court by the District Magistrate / Superintendent of Police.
5. In view of the persistent failure of the prosecution to produce any witness in spite of sufficient opportunity, and also in the light of the directions of the Hon'ble High Court of Judicature at Patna conveyed vide its letter (File No. XI-01-2026/M.Cell-II) dated 12.05.2026 issued by the Registrar (Administration) — directing expeditious disposal of UAPA cases which are more than five years old by conducting trial on a day-to-day basis and granting adjournments only under exceptional circumstances, in compliance with the directions contained in Paras 24(c) & 24(d) of the judgment dated 11.12.2025 of the Hon'ble Apex Court in Criminal Appeal Nos. 5400-5401 of 2025 (CBI Vs. Dayamoy Mahto) — and as no useful purpose would have been served by keeping the matter pending indefinitely, the prosecution evidence was accordingly **closed on 09.06.2026**. Consequently, there is no oral evidence whatsoever on record, and no documentary exhibit or material object could be proved, since no witness was examined to prove the same.
6. The statement of the accused persons under Section 313 Cr.P.C. was thereafter recorded on **16.06.2026**, in which they denied the prosecution allegations and pleaded innocence and false implication. As there was no incriminating evidence on record, nothing of substance could be put to them. The defence also did not lead any evidence, oral or documentary.
7. The point for consideration that now arises for adjudication is whether the prosecution, having led no evidence at all, can be said to have proved the charges under Sections 16/17/18/19/20/21/22 of the U.A.(P) Act against the accused persons beyond all reasonable doubt.

Findings

8. Heard the learned Additional Public Prosecutor for the State and the learned counsel for the defence, and perused the record.
9. It is a settled and elementary principle of criminal jurisprudence that the burden of proving the guilt of an accused lies squarely and entirely upon the prosecution, and that an accused is presumed to **be innocent until proven guilty**. The prosecution is required to prove its case beyond all reasonable doubt by leading cogent, reliable and admissible evidence. This burden never shifts.
10. In the present case, the prosecution has led **no evidence at all**. Not a single witness, not even the informant or the Investigating Officer, was produced before the Court despite sufficient and repeated opportunities spanning several years — from the issuance of summons on 11.06.2019, dasti summons on 30.03.2022, letters to the District Magistrate and Superintendent of Police on 13.05.2025, and reminders on 08.09.2025 — culminating in the closure of prosecution evidence on 09.06.2026. In the total absence of any oral or

documentary evidence, no charge against the accused persons can possibly be said to have been established.

- 11. The offences alleged are under the Unlawful Activities (Prevention) Act, 1967, being grave and stringent in nature. The graver the offence, the stricter the degree of proof required. When the prosecution has failed to bring even an iota of legal evidence on record, the question of the charge being proved beyond reasonable doubt does not arise at all.
- 12. Suspicion, howsoever grave, cannot take the place of proof. An accused cannot be convicted merely on the strength of accusation or on the gravity of the allegation, in the absence of any evidence. The accused persons are therefore entitled to the benefit of the fundamental presumption of innocence, which has remained wholly un rebutted.
- 13. Thus, in a nutshell, it can be epitomized that the prosecution has utterly and miserably failed to prove, by any evidence whatsoever, that the accused persons committed any offence punishable under Sections 16/17/18/19/20/21/22 of the U.A.(P) Act. In this backdrop, I proceed to pass the following order:

ORDER

- 14. I find and hold the accused persons, namely **Rajendra Yadav and Dullo Yadav vaisi Ray @ Baidhnath Ray**, not to be guilty of the offences punishable under Sections 16, 17, 18, 19, 20, 21 and 22 of the Unlawful Activities (Prevention) Act, 1967. Accordingly, they are acquitted of the said charges. The bailors, if any, are discharged from the liabilities of their respective bail bonds, and the personal bonds of the accused persons shall stand cancelled after the statutory period under Section 437-A Cr.P.C.
- 15. The seized articles/material objects, if any, shall be dealt with in accordance with law after the period of appeal/limitation is over.

Office is directed to consign the case record to the record room as per rules.

<i>Typed, corrected & pronounced by me in the open Court today</i> (Amit Kumar) Additional Sessions Judge, Jamui Dated :- 29th Day of June, 2026	 (Amit Kumar) Additional Sessions Judge, Jamui Dated :- 29th Day of June, 2026
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