

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

S.Tr. No. 178/2017, CIS No. 178/2017
(Sono Charka Pathar P.S case no.-27/2017)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha

District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 22.05.2026

S.Tr. No. 178/2017

Police Station :- Sono (Charka Pathar)

PS Case No. :- 27/2017

Under Section :- 147/148/149/120(B)/121(A) IPC & 25(1-b)a/26 Arms Act
& 16/17/18/19/20/21/22 UAP Act

State (Through Informant Harendra Pratap Singh)

..... Prosecution.

V.

1. Saudi 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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Date of Offence	16.02.2017
Date of F.I.R.	16.02.2017
Date of Framing of charge	14.05.2017
Date of commencement of evidence	12.07.2017
Date on which judgment is reserved	21.05.2026
Date of the judgment	22.05.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	Saudi Yadav	17.02.2017
Date of release on bail	Saudi Yadav	17.04.2018
Offences Charged with	Saudi Yadav	147/148/149/120(B)/ 121(A) IPC & 25(1-b)a/26 Arms Act & 16/17/18/19/20/21/22 UAP Act
Whether acquitted or convicted	Saudi Yadav	Acquitted
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	Saudi Yadav	1 year 2 months

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Harendra Pratap Singh	Informant
PW-2	Mahesh prasad Singh	Parichari Pravar, Police Line
PW-3	Lalmuni Yadav	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.	Ext. 1	The written application
2.	Ext. 1/1	The seizure list
3.	Ext. 2	The confessional statement of accused
4.	Ext.3	The signature of S.H.O on Arms and Ammunition examination report
5.	Ext. 4	The Arms and Ammunition examination report

B. DEFENCE:

Sr. No.	Exhibit No.	Description
1.	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 Saudi Yadav stands tried for offence of unlawfully and knowingly keeping in possession firearm, live cartridge without valid license and concealing it from police, 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 16.02.2017 at about 5:00 AM at Forest area of Giddha Pahari, PS-Sono Charka Pathar, District-Jamui.
2. The case of prosecution in brief is that on the basis of self statement of P.T.C-55 Harendra Pratap Singh, RAF, C.R.P.F G company, the Sono (Charka Pathar) PS Case No.-27/2017 dated 16.02.2017 was registered u/s- 147/148/149/120(B)/121(A) IPC & 25(1-b)a/26 Arms Act & 16/17/18/19/20/21/22 UAP Act against accused persons wherein he has stated that on 16.02.2017 at about 12.30 in the night along with C.R.P.F and S.S.B proceeded from camp for Anti Naxal operation. While searching forest area and mountain area near Giddha mountain at about 5.00 in the morning they

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saw that one suspicious person started fleeing away upon seeing them and was having bag in his hand. They chased him and caught by C.R.P.F and S.S.B. The accused was searched in the presence of villager Bhairav Sah and Sudhir Sah who were wayfarer. During the search one country made pistol and two live cartridge of 3.15 bore and naxal pamphlet-05 were recovered from the bag of accused which was held in his hand. After interrogation he told his name as Saudi Yadav son of Dhano Yadav and disclosed that Naxal Surang Yadav, Lal Mohan Yadav, Darogi Yadav, Balvir alias Sunil Bhula, Bharat Yadav, Congress Yadav, Naresh Yadav Rajoun and 10-15 Unknown naxal are positioned near Mundwala mountain for preparing to attack on police parties. He was going there when police caught him. The documents were asked from Saudi Yadav but he did not show any documents nor gave a satisfactory answer as to from where he had brought these items. The accused Saudi Yadav was formally arrested by them and taken to Police station with seized items.

3. The IO after investigation submitted the charge sheet no.- 91/2017 dated 28.04.2017, consequent upon which cognizance for offence u/s- 147/148/149/120(B)/121(A) IPC & 25(1-b)a/26 Arms 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.- 178/2017 for trial of accused Saudi Yadav.
4. The charges against accused was framed on 14.06.2017 u/s- 147/148/149/120(B)/121(A) IPC & 25(1-b)a/26 Arms 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 11.03.2026. The statement of accused Saudi 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 Harendra Pratap Singh, PW-2 Mahesh Prasad Singh and PW-3 Lalmuni Yadav. The prosecution has got exhibited Ext. 1 the written application, Ext. 1/1 the seizure list, Ext. 2 the confessional statement of accused, Ext. 3 the signature of S.H.O on Arms and Ammunition examination report and Ext. 4 the Arms and Ammunition examination report. The defence has not produced any evidence either oral or documentary in its support.
7. PW-1 Harendra Pratap Singh who is informant of this case has stated in his examination-in-chief that he has filed this case and incident occurred on 16.02.2017. He was in anti naxal operation along with CRPF and SSB on alleged date of occurrence. Anti naxal operation was conducted in forest. The accused was arrested by C.R.P.F and he told his name as Saudi Yadav. During search firearms, live cartridge and naxal pamphlet were recovered from him. He disclosed that he belongs to Surang Yadav and Congress Yadav gang. Seizure list was made. He filed the written information which was written by thana munshi. He had signed over it and on his identification the same was marked as Ext. 1 before the Court. He had signed on seizure list and on his identification the same was marked as Ext 1/1. The accused gave confessional statement before him upon which he has signed over it. On his identification confessional statement was marked as Ext. 2. The witness identified the accused present before the Court.
8. During cross-examination he has stated that he does not know whether there had been SD entry for formation of raiding party and not to know SD entry was made for departure and return of riding party. The sized

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item had shown to him by the SHO. He has further stated that the firearm and live cartridge are not present before him. The documents were made by the SHO upon which he had signed. In para 3 he has stated that confessional statement of accused was not recorded before him. During cross examination in para 4 he has denied the suggestion that nothing was recovered from accused and he had put his signature on blank papers. Lastly in para 5 he has denied the suggestion that the SHO had prepared papers at the P.S upon which he had signed.

9. PW 2 Maheshwar Prasad Sing has stated in his examination-in-chief that he was posted as Sergeant Major at Police Lines, Jamui on 27.04.2017. The seized material which was arising out of Sono Charka Pathar P.S Case No. 27/17 were presented before him for examination in a sealed bag by PSI Deepak Kumar posted at Sono (Charka Pathar) Police Station. The exhibits contained a country-made pistol and two bullets, which were mechanically examined by him. The examination report is as follows:-

(a) The country-made pistol was a 1.5 mm bore country-made pistol with a single barrel. It was locally manufactured and without a magazine. Its barrel length was 14 cm, butt length was 11.9 cm, and its overall length was 24.4 cm. Its butt plate was made of iron. Upon mechanical examination, he found that the trigger firing pin and hammer were functioning properly. The hammer released with a force of over 0.4 pounds. It was effective and lethal and on which he had marked S8.

(b) Bullets:- The exhibit consisted of two live and regular bullets of 0.8 mm bore, marked as KF on the hilt. This bullet could be fired from a weapon of this bore. After the investigation, he handed over all the exhibits along with a copy of the investigation report in a sealed bag to Deepak Kumar, PSI Sono (Charka Pathar) on the same day, i.e. 27.04.2017 and taken his signature on this report. On his identification it was marked as Ext. 3 and overall reports is in his pen and signature and on his identification it was marked as Ext. 4.

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10. During cross-examination he has stated that country-made pistol and cartridge which were tested by him are not present before him. He has mentioned all the mechanical instruments which was used during the test. In para 5 he has stated that he had not tried test by firing on cotton box. Lastly in para 6 he has denied the suggestion that his test was not scientific and has prepared tabled report.
11. PW-3 Lalmani Yadav he has stated in his examination-in-chief that he does not to 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 he has stated to have deposed voluntarily without any pressure or coercion.
12. 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 despite being given ample opportunity spanning almost 9 years to produce the witness but could produce only three witnesses, one out of them was declared as hostile witness. The prosecution could not produce seizure list witnesses while their testimony is very important for this case. The Court finds that prosecution has failed to produce sanction order for prosecution of accused persons under 25(1-b)a/26 Arms Act. A sanction order under the Arms Act, specifically Section 39, is a mandatory legal requirement, acting as a "previous sanction" from the District Magistrate necessary before initiating prosecution against any person for offenses involving unlawful possession or use of arms (e.g., Section 3). The Court 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 and from perusal of chargesheet, it is clear that it has been submitted by S.I. Deepak Kumar , which is also in contravention of the provisions of section 43(c) of U.A.P. Act, which requires investigation of the case by the officer not below the rank of Dy. S.P. Furthermore there is no sanction order to prosecute a person under the U.A.P

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Act which is mandatory. The prosecution has not been able to prove the charge against the 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 & 25(1-b)a/26 Arms Act & 16/17/18/19/20/21/22 UAP Act. The evidence available on record are therefore not such clinching that proves the guilt of the accused in commission of the offences charged in this case.

ORDER

13. The accused Saudi Yadav, S/o- Late Dhano 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 & 25(1-b)a/26 Arms 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.
22.05.2026

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
22.05.2026

Date of Judgment/Order	22.05.2026
Date of Reserving/Order	21.05.2026
Uploading Date	22.05.2026
Uploaded by	Ankit Raj, Court Reader cum D.W