

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II JAMUI
Session Trial No. 476A/2013, CIS No.476/2013
(Jhajha P.S case no.-02/2013)

Present :- Sudhir Sinha

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District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 13.03.2026

S.Tr. No.-476A/2013

Police Station :- Jhajha
PS Case No. :- 02/2013
Under Section :- 392/395/412/413 IPC

State (Through *Informant Vinay Tuddu*)

..... Prosecution.

V.

1. Prem Yadav

.....Accused

Counsel for the State:- Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:- Sh. Pradip Mandal, Advocate

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FORM B

Date of Offence	01.01.2013
Date of F.I.R.	02.01.2013
Date of Framing of charge	20.10.2013
Date of commencement of evidence	06.12.2013
Date on which judgment is reserved	09.03.2026
Date of the judgment	13.03.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	1. Prem Yadav	08.02.2013
Date of release on bail	1. Prem Yadav	28.06.2013 After absconding he was arrested on 06.01.2026. Presently he is in custody
Offences Charged with	1. Prem Yadav	395/412/413 IPC
Whether acquitted or convicted	1. Prem Yadav	Acquitted
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	1. Prem Yadav	6 months 27 days

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FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Vinay Tuddu	Informant

B. Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

C. 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

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D. Material Objects:

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

JUDGMENT

1. The accused 1. Prem Yadav stands tried for committing dacoity and dishonestly received stolen property a motorcycle, mobile and Rs. 280/- cash belonging to the informant Vinay Tuddu knowing the same to be stolen allegedly on 1st day of January, 2013 at 6:30 PM at near Yakshraj Asthan, behind Pipe Line, PS-Jhajha, District-Jamui.
2. The case of prosecution in brief is that on the basis of written information of Vinay Tuddu, the Jhajha P.S. Case No.-02/2013 dated 02.01.2013 was registered u/s-395/412/413 IPC against 4 unknown persons wherein he has stated that on 01.01.2013 at about 6.30 in the evening he was returning to his house from Jhajha market alongwith his wife and children and as they reached ahead of Yakshraj Asthan, behind Pipe Line, 3-4 persons were already standing there having Farsa, Sword, Pistol and Lathi in their hands and surrounded them. They snatched motorcycle, mobile and Rs 280/- cash and forced the informant and his family flee away from there. The accused persons after committing the loot, fled away and then he informed the Police.
3. The IO after investigation submitted the chargesheet no. 54/13 dated 31.03.2013 u/s-395/412/413 IPC against Prem Yadav consequent upon which cognizance for offence u/s-395/412/413 IPC was taken and the record after commitment was received in the Sessions Division as S.Tr. No. 476/2013.
4. The Charges against accused Prem Yadav was framed on 28.10.2013 u/s-395/412/413 IPC to which he pleaded not guilty and claimed to be tried. His trial was separated vide order dated 19.05.2025 as S.Tr. No. 476A/2013. Further accused Prem Yadav was declared absconder vide order dated 31.07.2025. Thereupon accused was remanded before the Court on 06.01.2026 and S.Tr. No. 476A/2013 was restored. The present trial proceeded for accused

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Prem Yadav only. The prosecution evidence was closed on 06.03.2026 and the statement of accused Prem Yadav was recorded u/s 313 of the Cr.P.C wherein he denied the evidences against him and pleaded innocence. On the written 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 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 Vinay Tuddu. There is no document as proved and exhibited on part of prosecution. The defence has also not produced any evidence either oral or documentary in its support.
7. PW-1 Vinay Tuddu who is informant of this case has stated during his examination-in-chief that the incident occurred on 01.01.2013 at 6.30 in the evening. He was returning from market and as he reached near forest Jakhraj Asthan. His wife and child were also with him. 4-5 accused persons armed with Farsa, Danda, Sword surrounded them. They snatched his motorcycle, mobile and cash Rs. 280/-. All the accused persons had covered their faces with gamchha. The written application on his identification was marked as Ext. P1/PW1. After sometime he heard that the accused persons Sudhir Yadav, Prem Yadav, Sahdev Ravidas and Bano Yadav were involved in this incident. The witness does not identify the accused present before the Court.
8. During cross-examination he has stated that at the time of occurrence it was dark. He can not say the name of person from whom he heard the name of accused persons involved in the incident. In para 6 he has stated that he has never seen the persons who are present before the Court and does not identify them. TIP was not done by the police. In para-9 he has stated that he can not say height and complexion of accused persons due to darkness. The police returned his motorcycle and mobile as per direction of Court. Lastly in para 11 he has denied to have deposed falsely.

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9. The Court on the basis of materials available on record finds that there is nothing available on record against the accused. The charge was framed on 28.10.2013 and the prosecution evidence was closed on 21.02.2026. The prosecution thus was given more than sufficient opportunity of above 13 years to produce the witnesses but prosecution could produce only single witness who is informant of this case. The witness does not identify the accused upon seeing them present before the Court and not to know who committed the alleged offence while he was eye-witness of this case as well as victim. He has also stated that the accused persons who had committed the loot had covered their faces and it was dark at the time of incident. The accused in this case is facing prosecution for offence u/s-395/412/413 IPC which in the absence of lack of evidence miserably failed. The prosecution has got no legs to stand on its own. The Court finds the prosecution to have failed in proving the charge against the accused. He is accordingly held not guilty of the offences charged u/s-395/412/413 IPC

ORDER

10. The accused Prem Yadav son of Late Ramu Yadav, resident of village-Belatanr, PS-Jhajha, District-Jamui is hereby acquitted of all charges u/s-395/412/413 IPC in this case. He is in custody, office is directed to issue release order in his name. 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. & Adtl. Sessions Judge-II
Jamui.
13.03.2026

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Date of Judgment/Order	13.03.2026
Date of Reserving/Order	09.03.2026
Uploading Date	13.03.2026
Uploaded by	Ankit Raj, Court Reader cum D.W