

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

UAP 15/2016, CIS No. 10015/2016
(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha

District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 16.06.2026

UAP 15/2016

Police Station :- Sono

PS Case No. :- 46/2012

Under Section :- 379 IPC & 25(1-b)a/26/35 Arms Act
& 10/11/13/16 UAP Act

State (Through Informant Pramod Kumar, S.I, Sono P.S)

..... Prosecution.

V.

1. Avinash Mandal

2. Sanjay Mandal

.....Accused Persons

Counsel for the State:-

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

Counsel for the Defence:-

Sh Devendra Nath Upadhyay, Advocate

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II

JAMUI

UAP 15/2016, CIS No. 10015/2016

(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

FORM B

Date of Offence	22.04.2012
Date of F.I.R.	22.04.2012
Date of Framing of charge	06.05.2019
Date of commencement of evidence	10.06.2019
Date on which judgment is reserved	06.06.2026
Date of the judgment	16.06.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	1. Avinash Mandal 2. Sanjay Mandal 3. Arun Barnwal	23.04.2012 23.04.2012 23.04.2012
Date of release on bail	1. Avinash Mandal 2. Sanjay Mandal 3. Arun Barnwal	09.02.2013 07.08.2013 29.10.2012
Offences Charged with	1. Avinash Mandal 2. Sanjay Mandal 3. Arun Barnwal	379 IPC & 25(1-b)a/26/35 Arms Act & 10/11/13/16 UAP Act
Whether acquitted or convicted	1. Avinash Mandal 2. Sanjay Mandal 3. Arun Barnwal	Acquitted Acquitted His trial was dropped on account of his death.
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	1. Avinash Mandal 2. Sanjay Mandal	9 months 17 days 1 year 3 months 15 days

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II

JAMUI

UAP 15/2016, CIS No. 10015/2016

(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Suresh Kumar Singh	SAP Force

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

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II

JAMUI

UAP 15/2016, CIS No. 10015/2016

(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

JUDGMENT

1. The accused persons Avinash Mandal, Sanjay Mandal and Arun Barnwal stand tried for offence of unlawfully and knowingly keeping in possession firearm, live cartridge without valid license and concealing it from police, in furtherance of common intention you committed dishonestly theft of motorcycle, 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 22.04.2012 at about 10.30 AM at Amjhari, PS-Sono, District-Jamui.
2. The case of prosecution in brief is that on the basis of self statement of S.I Pramod Kumar, the Sono PS Case No.-46/2012 dated 22.04.2012 was registered u/s-379 IPC & 25(1-b)a/26/35 Arms Act & 10/11/13/16 UAP Act against accused persons wherein he has stated that on 22.04.2012 at about 10.30 AM he along with Satyendra Singh SAP No. 10229, Siddhnath Singh SAP No. 10228, Shambhu Kumar SAP No.- 689, Suresh Singh SAP No-9620, C.R.P.F Batiya and Maheshwari proceeded from Police Station for area domination of naxal movement. In course of domination he received tip off that Avinash Mandal an active member of Maoist organization has reached in his house with firearm. They reached Avinash Mandal's house at Amjhari village with forces at about 01.30 PM. They saw that one person started fleeing away upon seeing them. They chased him and caught by forces. After interrogation he told his name as Avinash Mandal. During Serach a country-made pistol and two .315 bore live cartridge were recovered from his pocket of full pant in presence of two witnesses. While searching of his house a country-made rifle and two .303 bore live cartridge were recovered from room of Avinash Mandal's house in presence of both witnesses. The document and license were asked from Avinash Mandal but he did not show

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

UAP 15/2016, CIS No. 10015/2016
(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

any document nor gave any satisfactory answer. The seizure list was prepared in presence of witnesses upon which both witnesses endorsed their signatures. The accused Avinash Mandal was formally arrested by them. After interrogation accused Avinash Mandal disclosed the names of Sanjay Mandal and Arun Barnwal who were also an active member of their Maoist organization and reside in Amjhari village. They have also kept firearm and live cartridge. He along with forces and witnesses reached the house of Sanjay Mandal at about 2.30 PM for verification of fact. The arrested accused Avinash Mandal and seized articles were also with them. During search of Sanjay Mandal's house a country-made rifle and .303 bore live cartridge were recovered from room of his house. The seizure list was prepared upon which witnesses had signed. A copy of seizure list was given to accused. The valid document was asked from the accused but he did not show any document nor gave any satisfactory answer. The accused Sanjay Mandal was formally arrested. Thereafter he along with forces and witnesses reached the house of Arun Modi alias Arun Barnwal at about 3.40 PM. The arrested accused persons and seized items were also with them. During raid there was a one person present inside the said house. He disclosed his name as Arun Barnwal. One country-made rifle, one .303 bore live cartridge and three fired cartridge were recovered from his house. One black colour Bajaj Discover Motorcycle bearing no. INB-38T-9901 was seized from passage of main entrance of his house. The documents were asked from the accused but he did not show any document nor gave any satisfactory answer. The seizure list was made in presence of witnesses. The witnesses signed voluntarily on seizure list. The accused Arun Barnwal was formally arrested by them. They returned to the Police Station at 4.30 PM with the arrested accused and seized items.

3. The IO after investigation submitted the charge sheet no.- 70/2012 dated 29.05.2017, consequent upon which cognizance for offence u/s- 379 IPC & 25(1-b)a/26/35 Arms Act & 10/11/13/16 UAP Act was taken against

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

UAP 15/2016, CIS No. 10015/2016
(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

the accused persons and the record after commitment was received in the Sessions Division as U.A.P. No.-15/2016 for trial of accused persons.

4. The charges against accused persons were framed on 06.05.2019 u/s- 379 IPC & 25(1-b)a/26/35 Arms Act & 10/11/13/16 UAP Act to which they pleaded not guilty and claimed to be tried. The trial of accused Arun Barnwal was dropped on account of his death. The present trial proceeded for accused Avinash Mandal and Sanjay Mandal only. The prosecution evidence was closed on 02.06.2026. The statement of accused persons were recorded u/s 313 of the Cr.PC wherein they denied the evidences against them 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.
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 persons have produced PW-1 Suresh Kumar Singh. 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 Suresh Kumar Singh has stated in his examination-in-chief that he was posted at the Sono police station on 22.04.2012. On that day he had gone to Aamjhari village along with senior officer including S.P Saheb. He was assigned to surround a house. A rifle was recovered from straw. There was a man apprehended by police party brought to the police station. He can not say his name.
8. During cross-examination he has stated that the police party maintained the circle for 2-3 hours approximately. He can not say whether the villagers were present at the time of the incident as it was night. He did not go inside the house and can not say boundaries of the house. He only

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

UAP 15/2016, CIS No. 10015/2016
(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

accompanied the senior officer and returned with them. Lastly in para 4 he has denied the suggestion that he has deposed falsely as per instruction of senior officer.

9. 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.
10. 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 7 years to produce the witnesses but could produce only one witness, who has also not supported the case of prosecution. The prosecution could not produce seizure list witnesses while their testimony is very important for genuineness of this case. The Court finds that prosecution has failed to produce sanction order for prosecution of accused persons under 25(1-b)a/26/35 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 persons, 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. Ram Avtar Paswan, 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 Act which is mandatory. The Court on the basis of evidences available on record finds that there is no material against the accused persons that proves guilt of the accused persons in commission of the offence u/s 379 IPC and others offences alleged. The prosecution has not been able to prove the charge against the accused persons

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II

JAMUI

UAP 15/2016, CIS No. 10015/2016

(Sono P.S case no.-46/2012)

Present :- Sudhir Sinha

beyond all reasonable doubts. The accused persons are reasonably entitled to be acquitted from this case and therefore they are held not guilty of the offence charged u/s- 379 IPC & 25(1-b)a/26/35 Arms Act & 10/11/13/16 UAP Act. The evidence available on record are therefore not such clinching that proves the guilt of the accused persons in commission of the offences charged in this case.

ORDER

11. The accused 1. Avinash Mandal, S/o- Late Nandlal Mandal, 2. Sanjay Mandal, S/o- Late Mohan Mandal both residents of vill- Amjhari, P.S- Sono, Dist- Jamui are hereby acquitted of all charges u/s 379 IPC & 25(1-b)a/26/35 Arms Act & 10/11/13/16 UAP Act in this case. The accused persons are on bail, hence they are discharged from the liability of their bail bond. 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)
Distt. & Addl. Sessions Judge-II
Jamui.
16.06.2026

(Sudhir Sinha)
Distt. & Addl. Sessions Judge-II
Jamui.
16.06.2026

Date of Judgment/Order	16.06.2026
Date of Reserving/Order	06.06.2026
Uploading Date	16.06.2026
Uploaded by	Ankit Raj, Court Reader cum D.W