

BRKH010005742018



Presented on : 12-02-2018
 Registered on : 12-02-2018
 Decided on : 10-06-2026
 Duration : 8 years, 3 months, 26 days

**IN THE COURT OF SESSIONS JUDGE
 At Khagaria, (Bihar)
 (Presided Over by Shri Rajesh Kumar Bachchan)**

**Session Case No. 41/2018
 (Net No: S.C. No. 41/2018)**
 Alauli P.S. Case No. 294/2017
u/Ss.- 147,149, and 302 IPC
State v. Rambilash Yadav and ors.

FORM A

Informant	STATE (Through Sintun Kumar) S/o- Harivansh Yadav R/o vill. Budhwa, P.S. Alauli District- Khagaria
Represented by	Shri Bhola Prasad Singh, Ld. P.P. for State
Accused	1. Rambilash Yadav, aged about 60 years S/o- Late Rajkumar Yadav 2. Ramkalin Yadav, aged about 25 years S/o-Rambilash Yadav 3. Shalo Devi, aged about 60 years W/o- Rambilash Yadav All R/o vill. Budhwa, P.S. Alauli, District- Khagaria
Represented by	Shri Mithilesh Yadav, Ld. Advocate for defence

FORM B

Date of offence	13.09.2017
Date of FIR	13.09.2017
Date of charge-sheet	22.12.2017
Date of framing of charge	17.10.2019
Date of commencement of evidence	28.11.2019
Date on which judgment is reserved	15.04.2026
Date of judgment	10.06.2026

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Accused Details

Rank of the accused	Name of accused	Date of arrest/surrender	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Section 428 Cr.P.C.
1.	Rambilas Yadav	26.09.2017	13.04.2018	u/Ss. 302/149; 147; 148 of IPC	Acquitted		6 months 18 days
2.	Ramkalin Yadav	26.09.2017	31.08.2018				11 months 5 days
3	Shalo Devi	16.11.2017	15.01.2018				2 months

J U D G M E N T

1. The aforesaid all three accused persons stand charged for the offence punishable u/Ss. 302/149; 147 and 148 of the IPC.

PROSECUTION CASE

2. The case of prosecution unveiled from the F.I.R. is that informant viz. Sintun Kumar got recorded his fardbeyan on 13.09.2017 stating that on the same very day at 9:00 P.M. 1. Ramvilash Yadav S/o Late Raj Kumar 2. Ram Kalin Kumar S/o Ramvilash Yadav 3. Shalo Devi W/o Ramvilash Yadav 4. Zahir Khan Singh S/o Mushafir Singh 5. Viro Singh S/o Mushafir Singh 6. Bablu Singh S/o Late Umesh Singh 7. Rekha Kumari D/o Ramvilash Yadav all R/o village Budhwa, P.S. Aluali, Dist. Khagaria started abusing him taking name of his mother. They alleged that why did he throw stones at their house. Mother of the informant replied that it is not done from her side. On this, aforesaid persons started assaulting his mother with lathi danda. Ram Kalin Yadav had hit on the head of mother of the informant viz.

Neel Kumar

Sita Devi with brick and she was seriously injured. When the informant tried to intervene, he was also assaulted and abused. Informant and Pintu Singh started to take her to the hospital but she died.

CHARGE SHEET, COGNIZANCE AND COMMITTAL

3. After investigation charge sheet was submitted on 22.12.2017 for the offence punishable u/Ss. 147, 148 and 302 of IPC. Cognizance was taken for the same offence on 02.01.2018. Case was committed to this Court by the Ld. Court of J.M.F.C, Khagaria, vide order dated 30.01.2018.

CHARGE

4. Charge was framed on 17.10.2019 as aforesaid. The same was read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.

PROSECUTION EVIDENCE, STATEMENT OF ACCUSED AND DEFENCE EVIDENCE

5. In order to prove its case, prosecution has examined altogether four witnesses in evidence. Its evidence was closed on 10.10.2025. In statement under Section 313 Cr.P.C. recorded on 04.11.2025 accused persons denied all questions put to them.

FORM C

LIST OF PROSECUTION WITNESSES

RANK	NAME	NATURE OF EVIDENCE
P.W.-1	Pandav Singh	Other witness
P.W.-2	Bhushan Yadav	Other witness
P.W.-3	Ram Swarath Singh	Other witness
P.W.-4	Upendra Singh	Other witness

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EXHIBITS OF PROSECUTION

SL.No.	EXHIBITS	DESCRIPTION
1.	NIL	NIL

EXHIBITS OF DEFENCE

Sl. No.	No. of exhibits	Description
1.	NIL	NIL

ARGUMENTS

6. Ld. P.P. presented the case of the prosecution and has submitted that evidence against accused persons is deficient.
7. Ld. Counsel for defence has submitted that the prosecution has failed to prove its case beyond reasonable doubt against accused persons and they should be given benefit of doubt.

POINT FOR DETERMINATION

8. From the evidence on record and submissions of the Ld. Counsel for both sides, the following point emerged for determination:

“Whether the prosecution has succeeded in proving its case beyond reasonable doubt?”

DISCUSSION, DECISION AND REASONS THEREOF

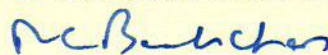
9. In order to appreciate the arguments advanced on behalf of both the sides, it is considered next to outline a sketch of the evidence on record. Allegation against accused persons is that they by forming unlawful assembly with deadly weapon they murdered mother of the informant.
10. Informant of this case is the son of the deceased but he has not been examined by the prosecution. No reason has come to withhold the best evidence by the prosecution. Doctor and I.O. of this case have also not been examined.

Dr. B. S. Chandra

11. All four witnesses examined by the prosecution have turned hostile. P.W. 1 has stated that he does not know anything about the incident and he does not remember whether the statement was recorded by the police or not. P.W. 2 has also stated that what was the incident, he is not aware of the same. P.W. 3 also reiterated the same statement saying that he does not know anything about the incident and he was out of station at the time of incident. P.W. 3 has further stated that he resides in Punjab and has come on receipt of notice. P.W. 3 has stated that he could not know about the incident even after his return from there and his statement was not recorded by the police. P.W. 4 has also harped the same statement of previous witnesses and has stated that he does not know anything about the incident and his statement was not recorded by the police.
12. Not a single witness has supported the case of the prosecution. Prosecution did not make any effort to call the witness which can support its case. List of witnesses appended to charge sheet figures the names of one son and daughter of the deceased besides the informant but none of these were brought to the witness box. Prosecution evidence has started since 28.11.2019 and culminated on 10.10.2025 and despite taking umpteen opportunities the prosecution has failed to bring any contesting witness.
13. As there is no witness in support of case of the prosecution, the ultimate result is the acquittal of the accused persons.

CONCLUSION

14. In view of the findings recorded herein above as the prosecution has failed to prove the charges of u/Ss. 302/149; 147 and 148 IPC against accused 1. Rambilash Yadav 2. Ramkalin Yadav and 3. Shalo Devi,



thus, they are acquitted from aforesaid charges. Bail bonds furnished earlier, are extended for further period of six months in compliance of Section 437-A of Cr.P.C.

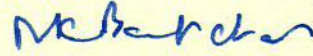
15. Judgment pronounced in open court today on 10th day of June, 2026 in presence of accused persons.

(Dictated and corrected by me)

(Dictated)



(Rajesh Kumar Bachchan)
Sessions Judge,
Khagaria,
10.06.2026



(Rajesh Kumar Bachchan)
Sessions Judge,
Khagaria,
10.06.2026