

BRKH010057312023



Presented on : 20-12-2019
 Registered on : 20-12-2019
 Decided on : 10-06-2026
 Duration : 6 years, 5 months, 21 days

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

Session Case No. 378/2023

Net No: S.C. No.378/2023)

Alauli P.S. Case No. 294/2017

u/Ss.- 147, 149 and 302 of IPC
State of Bihar v. Rekha Kumari

FORM A

Informant	STATE (Through Sintun Kumar) D/o- Late Harivansh Yadav R/o Village- Budhwa, P.S.- Alauli, District- Khagaria
Represented by	Shri Bhola Prasad Singh, Ld. P.P. for State
Accused	Rekha Kumari, aged about 30 years D/o- Rambilas Yadav, R/o- village- Budhwa, P.S. Alauli, District- Khagaria
Represented by	Shri Pankaj Kumar, Ld. Advocate for defence

FORM B

Date of offence	13.09.2017
Date of FIR	13.09.2017
Date of charge-sheet	26.08.2018
Date of framing of charge	21.06.2023
Date of commencement of evidence	28.06.2023
Date on which judgment is reserved	15.04.2026
Date of judgment	10.06.2026

N.C. Bachchan

Accused Details

Rank of the accused	Name of accused	Date of arrest/surrendered	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.	Rekha Kumari	12.07.2018	12.07.2018	u/Ss. 302, 147 and 148 of I.P.C.	Acquitted		Nil

J U D G M E N T

1. The aforesaid sole accused stands charged for the offence punishable u/Ss. 302, 147 and 148 of I.P.C.

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. 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

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her to the hospital but she died.

CHARGE SHEET, COGNIZANCE AND COMMITTAL

3. After investigation charge sheet was submitted on 04.09.2018 for the offence punishable u/Ss. 147, 148 and 302 of I.P.C. Cognizance was taken for the same offence punishable u/Ss. 147, 148 and 302 of I.P.C. on 06.01.2021. Case was committed to this Court by Ld. J.M.F.C., Khagaria, vide order dated 02.06.2023.

CHARGE

4. Charge was framed on 21.06.2023 as aforesaid. The same was read over and explained to the sole accused in Hindi to which she 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 five witnesses in its evidence. Its evidence was closed on 10.10.2025. In statement recorded under Section 313 Cr.P.C. on 04.11.2025 sole accused denied all questions put to her. No defence evidence was led.

FORM C

LIST OF PROSECUTION WITNESSES

RANK	NAME	NATURE OF EVIDENCE
P.W.-1	Bhushan Yadav	Other witness
P.W. 2	Ram Sogarath Singh	Other witness
P.W. 3	Pandav Singh	Other witness
P.W. 4	Upendra Singh	Other witness
P.W. 5	Anil Singh	Other witness

DEFENCE WITNESSES

RANK	NAME	NATURE OF EVIDENCE
NIL	NIL	NIL

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EXHIBITS OF PROSECUTION

SL.No.	EXHIBITS	DESCRIPTION
NIL	NIL	NIL

EXHIBITS OF DEFENCE

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

ARGUMENTS

6. Ld. P.P. presented the case of the prosecution and has submitted that evidence against sole accused is deficient.
7. Ld. Counsel for defence has submitted that the prosecution has failed to prove its case beyond reasonable doubt against sole accused and she is entitled to be acquitted in this case.

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?”

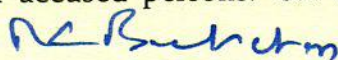
DISCUSSION, DECISION AND REASONS THEREOF

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 sole accused is that she was part of an unlawful assembly carrying dangerous weapon and she was involved in the murder of the mother of the informant.
10. Prosecution has examined five witnesses but none of them has deposed in its favour. P.W. 1 has stated in his examination in-chief recorded on 06.07.2023 that incident had occurred about 2-4 years ago and he had

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come to know that there was a fight between Rambilash and Harivansh in which mother of Rinkan Kumar had received injuries. He has denied the suggestion of the prosecution that he had stated before the police that Rambilash Yadav, Rama Kali Yadav, Bhalo Devi, Zahir Khan Singh, Viro Singh, Mushafir Singh, Bablu Singh, Rekha Devi had badly assaulted the mother of the informant. He did not identify the accused present in the Court. He has also denied the suggestion of the Ld. P.P. that he has resiled from the statement given to the police to save the accused. On cross examination on behalf of defence he has stated that he has deposed voluntarily and he does not know how the mother of Rinkan got injuries. He has further stated that accused persons are from his village therefore, he identifies them. This witness in examination in chief has stated that she does not identify the accused and later in the examination in chief as well as cross examination he has stated that he identifies accused persons. This witness has not supported the case of the prosecution and also is not reliable.

11. P.W. 2 has stated in his examination in chief that he does know anything about the incident and his statement was not recorded by the police. He was declared hostile at the request of prosecution. He has denied the suggestion of the prosecution that a fight had occurred between Rambilash and Harivansh in which mother of Rinkan Kumar was injured. He has also denied the suggestion that Rambilash Yadav, Rama Kali Yadav, Bhalo Devi, Zahir Khan Singh, Viro Singh, Mushafir Singh, Bablu Singh, Rekha Devi had badly assaulted the mother of the informant. He did not identify the accused present in the Court but stated that he identifies above stated accused persons. On cross examination



- P.W. 2 has stated that he has deposed voluntarily. He does not know how the mother of Rinkan got injured. He has further stated that the accused persons are from his village, therefore, he identifies them.
12. P.W. 3 has stated in his examination in chief that he does not know anything about the incident. His statement was not recorded by the police. At the request of prosecution P.W. 3 was declared hostile. On cross examination P.W. 3 has stated that he has deposed voluntarily and identifies accused being his villager.
13. P.W. 4 has also stated in his examination in chief that he does not know about the incident and his statement was not recorded by the police. At the request of prosecution P.W. 4 was declared hostile. On cross examination on behalf of defence he has stated that he had received notice to depose. He identifies the accused being his villager.
14. P.W. 5 has also not supported the case of prosecution. He has stated in his examination in chief that he does not know anything about the incident and her statement was not recorded by the police. He did not identify the accused. He denies the suggestion of the prosecution that he has reneged from the statement given to the police to save the accused. On cross examination P.W. 5 has stated that he has deposed voluntarily.
15. Remarkable thing to be noticed in this case is that mother of the informant has died but he did not come to the witness box. Two more witnesses whose names figure in the charge sheet and are son and daughter of the deceased have also not come to depose. I.O. and doctor have also not been examined.
16. Evidence in this case started on 28.06.2023 and was closed on 10.10.2025. This Court took all possible steps to ensure the presence of



informant and even NBW was also issued against him but he did not turn up. As the result, the allegation against the sole accused remained bald. Witnesses examined by the prosecution did not support its case. Star witness i.e. informant was not brought to the witness box and the consequence is the acquittal of the sole accused.

CONCLUSION

17. In view of the findings recorded herein above as the prosecution has failed to prove the charges of u/Ss. 302, 147 and 148 of I.P.C. against sole accused Rekha Kumari, thus, she is 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.
18. Judgment pronounced in open court today on this 10th day of June, 2026 in presence of sole accused. File be consigned to the record room.

(Dictated and corrected by me)

(Dictated)





(Rajesh Kumar Bachchan)
Sessions Judge,
Khagaria,
10.06.2026

(Rajesh Kumar Bachchan)
Sessions Judge,
Khagaria,
10.06.2026

Date of Judgment	
Date of Reserving Judgment	
Uploading Date	
Uploaded by	