

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, KAIMUR AT BHABUA.	
Present:- Vinay Prakash Tiwari , District and Addl. Sessions Judge-III, Kaimur, Bhabhua.	
[Date of Judgment 27.04.2026] Session Trial Case No. 128 of 2025 (Adhaura P.S. Case No. 20 of 2024)	
INFORMANT	Triloki Singh Yadav
REPRESENTED BY	Sri Satish Kumar Singh, Learned Spl. APP.
ACCUSED	Virendra Uraon, S/o Rupa Uraon, R/o Dugdha, PS-Adhaura, Distt-Kaimur.
REPRESENTED BY	Sri Baldau Singh, Ld. Advocate.

Date of Offence	24.03.2024
Date of FIR	27.03.2024
Date of Charge-sheet	27.11.2024
Date of Framing of Charges	19.06.2025
Date of Commencement of evidence	17.07.2025
Date on which judgment is reserved	21.04.2026
Date of the Judgment	27.04.2026
Date of the Sentencing Order, if any	N/A

Accused Details

Rank of Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
1.	Virendra Uraon	-	-	u/ss 302/34, 120-B/34 of the IPC	Acquitted	N/A	N/A

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EX PERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.-1	Ayodhya Singh	Eye Witness
P.W.-2	Ramroop Singh	Eye Witness
P.W.-3	Bandhu Yadav	Eye Witness

P.W.-4	Santosh Yadav	Eye Witness
P.W.-5	Pankunwari Devi	Eye Witness
P.W.-6	Kachahari Singh	Eye Witness
P.W.-7	Triloki Singh	Informant
P.W.-8	Dr. Vinay Kumar Tiwari	Medical Witness
P.W.-9	Sanjay Kumar Mishra	Police Witness
P.W.-10	Nirmal Kumar	Police Witness

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EX- PERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS EX- PERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Ext.-P-1/PW7	Signature of the informant on the written information
2.	Ext.-P-2/PW/8	Post-mortem Report.

B. Defence :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

J U D G M E N T

1. In the instant case all the above mentioned sole accused is facing trial for the offence punishable u/ss 302/34, 120-B/34 of the IPC.
2. It is alleged that the occurrence took place on 24.03.2024 at about 08:00 PM at Village-Dugdha, PS-Adhaura, Distt-Kaimur.
3. The prosecution case in brief as made out from the written information of the informant-Triloki Singh Yadav that on 24.03.2024 at about 07:00 PM his son Vinod Yadav had gone from the home to appear in spiritual fire of sammatt. He did not return to his home. He was searched but could not found his whereabouts. When he was administering water to his buffalo 4-5 villagers came there and they sit on the floor of the well. At the moment, Lal Bihari Singh Kharwar raised commotion that his son is lying near the pond. When he along with others rushed there he found his son was lying dead. There were various injuries on his body. The informant had suspicion that his villagers, namely, Rakesh Yadav, Budhan Yadav, Shivbachan Yadav and Virendra Uraon had murdered his son. A previous case was pending in between him and the accused Budhan Yadav, for which he had intimidated him to face dire consequence.
4. On the basis of written information, Adhaura PS Case No. 20/2024 dated 27.03.2024 was registered by the SHO u/ss 302, 120-B/34 of the IPC, formal FIR was drawn and investigation of the case was entrusted to SI Sanjay Kumar Mishra. He handed over the charge of investigation to Shivshankar Kumar, SDPO, Kaimur. He investigated the case and submitted charge-sheet after finding the case true. The learned CJM, Kaimur, took cognizance and committed the case to the Court of Sessions on 24.05.2025. This case came to my file on 06.06.2025.
5. The accused person was appeared before the Court and was charged u/ss 302, 120-B0/34 of the IPC. The charges were read over and explained to him in Hindi. To which he pleaded not guilty and claimed to be tried.

6. In support of its case prosecution has altogether examined ten witnesses and got exhibited the document as mentioned in the above table.

7. After closing the prosecution evidence the statement of the accused was recorded u/s 313 of the Cr.P.C. He was questioned regarding the evidences and incriminating circumstances against him, to which he pleaded not guilty and claimed to be tried.

8. The point for determination before this Court is whether prosecution has established its case against the accused beyond all shadow of reasonable doubts.

FINDINGS

9. PW-7 is Triloki Ram, the informant of this case, has stated that the occurrence took place two years ago at about 08:00 PM. Rakesh Yada, Budhan Yadav and Bhutani Devi had murdered his son Vinod Yadav and thrown his dead body in the pond of the village. He did not name Virendra Uraon in the occurrence. Post-mortem of his son and his shardh ceremony took place. His son has sustained injuries on his head and chest. He was murdered by strangulation. This witness has claimed to identify his signature on the written information given to police station, exhibited as Ext.-P-1/PW-7. This witness has claimed to identify the accused person, in para 9, he has stated that the accused Virendra Uraon is innocent.

10. P.W.-1 is Ayodhya Singh, in his examination-in-chief, he has stated that the occurrence took place 15 to 16 months ago at about 8 to 9 PM. At that time, he was sitting at the door of his house. At the moment, Santosh, Jogendra, Ramroop and Ayodhya came there and told him that the commotion is going at Manrega Pond, near Dumarbandh. They asked him for proceeding there. When they arrived at the pond they saw Rakesh Kumar, Budhan, Bhutani and Vijendra Uraon were assaulting Vinod Singh. Two persons were standing there while taking their bikes. They intimidated them. On which they returned. In next morning, when they arrived near the pond he saw the dead body of Vinod Singh was lying there. In para 6, he has stated that at first Suresh Kharwar had

arrived at the pond, who had told about the occurrence to Triloki Singh. Triloki Singh had acquainted them about the occurrence.

11. P.W.-2 is Ramroop Singh, in her examination-in-chief, he has stated that the occurrence took place sixteen months ago at about 08:00 PM. Ayondya, Santosh and Yogendra stated him the fact of commotion going on towards the southern direction. When they went there they saw Rakesh, Bhutani, Budhan and Virendra were assaulting Vinod. The two persons who were standing there while taking bike had intimidated them and chased. In the next morning, he along with Triloki and Ayodhya went to pond and found the dead body of Vinod was lying there. In para 13, he has denied the suggestion thrown by defence that he has given such statement before the police that Lalbihari Kharwar had stated him about the occurrence.

12. PW-3 is Bandhu Yadav, in his examination-in-chief, he has stated that the occurrence took place sixteen months ago at about 08:00 PM. He was in his house. Santosh, Ayondya and Yogendra came there and told him about the commotion, which was going near the Dumar Bandh. When they arrived there he saw Budhan Yadav, Bhutani Devi, Rakesh Yadav and Virendra Uraon were assaulting Vinod Yadav. At a few distance from there two persons were standing. They intimidated him to move out from there. Being frightened they moved away from there. In the next morning at bout 7 to 8 AM he came to know that the dead body of Viond Yadav was lying at the west-south corner of the pond. On information, police came and taken away the dead body to Adhaura Police Station. In para 16, he has stated that he made acquainted about the occurrence to Triloki Yadav.

13. PW-4 is Santosh Yadav, in his examination-in-chief, he has stated that the occurrence took place on 24.03.2024 at about 08:00 PM. Ramroop, Ayodhya and Yogendra came there and asked him to proceed to Dumar Bandh were commotion was going on. He went there and saw in moon light that Budhan Yadav, Rakesh Yadav, Virendra and Bhutani Devi were assaulting Vinod Yadav. They were strangulating. He tried to rescue him but they intimidated him. He returned to his home. On next day, he came to aware that Vinod Yadav was murdered.

14. PW-5 is Pankuwari Devi, in her examination-in-chief, she has stated that the occurrence took place one and half years ago. The day was of holika dahan. Her son Vinod Yadav told him that he was going to attend holika dahan. He did not returned. In next morning, he was searched and his body was found near the pond. There was mark of injury on the face of his son, leg and neck. His son was murdered by Budhan Yadav, Bhutani Devi, Virendra Yadav. In para 3 of cross-examination, she has stated that Ram Ayodhya Yadav has stated her about the occurrence.

15. PW-6 is Kachari Singh, in his examination-in-chief, he has stated that the occurrence took place one and half years ago. In next morning commotion took place regarding the finding of dead body of Vinod Yadav near the pond. There was previous dispute going on in between Triloki Yadav and Budhan Yadav. In para 4, he has stated that he has no knowledge of the fact about the death of Vinod Yadav.

16. PW-8 is Dr. Vinay Kumar Tiwari, in his examination-in-chief, he has stated that on 26.03.2024 he was posted as medical officer, Sadar Hospital, kaimur on that day post-mortem examination was done by him of the dead body of the Vinod Kumar Yadav. He found the following findings :-

External Appearance :-

- (i) Rigor mortis absent in upper limbs and present in lower limbs.
- (ii) Bleeding from both nostrils.
- (iii) Bruise blackish present on right cheek 2 inch x 1 inch.
- (iv) Bruise blackish on forehead 1 inch x ½ inch.
- (v) Bruise left cheek 2 inch x 1 inch.
- (vi) Abrasion 3 inch x 1 inch in both hand.
- (vii) Bruise 6 inch x 2 inch lower abdomen.
- (viii) Ligature mark present below the right cartilage about ½ inch in diameter encircling all most whole neck blackish in color.

On Dissection :-

Skull :- All skull bone is intact. Brain and brain matter is intact and congested. Neck and chest :- Under the ligature mark, issue hemorrhage found, hemorrhage mucosal membrane found in pharynx, larynx. Thyroid cartilage fracture. Bony cage of chest intact. Both lungs intact and congest, heart intact, blood found in right chamber and left chamber empty. Abdomen :- Stomach contain semi digested food. Both intestine small and large contain gas, fluid and feces. Liver, spleen and both kidney intact and congested, Urinary bladder contain about 60 ml of urine.

Cause of death :- Asphyxia due to strangulation.

Time elapsed between death and autopsy 24 to 30 hours approx.

This postmortem report is in his pen and signature exhibited as Ext.-P-2/P.W-8.

In cross-examination, he has stated that the injuries on the dead body were not caused by sharp cutting object. The injuries may be caused by falling on the hard surface. There was no internal injuries to the body of the deceased. In para 12, he has denied the suggestion that his post-mortem report is unscientific.

17. PW-9 is Sanjay Kumar Mishra, I.O. of this case. In his examination-in-chief, he has stated that he was entrusted to investigate Adhaura PS Case No. 20/2024 dated 27.03.2024, registered u/ss 302, 120-B/34 of the IPC. He prepared the inquest report of Vinod Kumar Yadav. He took the further statement of the informant and inspected the place of occurrence which is situated at the distance of 20 km. from the Adhaura PS. The dead body was found on the north-west side of the pond. The boundary of the place of occurrence is as follows : in the south, the field of Dwarika Uraon near the pond; in the south, trees of mahua and piar; in the west, trees of asan and piar near the Manrega pond; and on the west side, a peepal tree near the Manrega pond. Thereafter, the statements of the witnesses, namely, Ramroop Singh, Ayodhya Singh, Santosh Yadav and Bandhu Yadav were recorded. On 03.04.2024, the statements of Aklu Singh and Amarjeet Kumar were also recorded. Thereafter, an

application was filed by Triloki Yadav stating therein that the accused persons started assaulting the entire family. In this regard, a complaint was filed u/s 107 of the Cr.P.C. bearing No. 34/2024 before the SDPO. In cross-examination, he has stated that Lalbihari Singh had stated about the dead body.

18. PW-10 is Nirmal Kumar, another I.O. of this case. In his examination-in-chief, he has stated that on 06.04.2024 he took the charge of investigation from the I.O. as per order of Superintendent of Police. He took the statement of the witnesses, namely, Triloki Yadav, Aditya Kumar, Kachari Singh and Pankuwari Devi and endorsed the same in the case diary. Thereafter, he procured the inquest report of the dead body of Vinod Kumar Yadav and endorsed the same in the case diary. On 04.05.2024, he procured the supervision note and endorsed the same in the case diary. Vide order dated 14.08.2024 he handed over the charge of further investigation to the SDPO-Shivshankar Prasad. In para 10, he has denied the suggestion that the informant has lodged this case at the behest of Lalbihari Singh. He did not record the statement of Lalbihari Singh. He has recorded the statement of the witness Aditya, Roopa Uraon and Pankuwari Devi. In para 21, he has denied the suggestion that his investigation is full of flaws.

19. These are all the evidences adduced on behalf of the prosecution. Heard the argument of the Ld. APP and the Ld. Defence Counsel. Now, I will scrutinise the evidences adduced on behalf of the prosecution in the light of arguments advanced by the parties. On perusal it appears that the informant is the father of the deceased. He has specifically stated in his evidence that his son was murdered by Rakesh Yadav, Budhan Yadav and Bhutani Devi. They have not been facing trial in the case in hand. Virendra Uraon is facing trial in this case. In para 9, he has specifically stated that Virendra Uraon is innocent. In para 7, he has stated that he is illiterate and only signed on the written information. He did not given the name of Virendra Uraon to the police in his statement. So far as written information has been concerned the case was lodged only on suspicion. None of the eye witnesses has seen while murdering the deceased. In such circumstance, there is doubt regarding the commission

of the offence by the present accused Virendra Uraon. This benefit of doubt is given to him as prosecution has failed to prove the charge u/s 302, 120-B/34 of the Indian Penal Code beyond all shadow of reasonable doubts. He is ***acquitted*** for the same.

Dictated and corrected by me.

Sd/-
(Vinay Prakash Tiwari)
A.S.J-III, Bhabhua
Dated : 27.04.2026

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