

DISTRICT - MADHUBANI
IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE-II, (JHANJHARPUR)
MADHUBANI, BIHAR

Present:- Abhishek Ranjan
Addl. Sessions Judge-II,
Jhanjharpur.

Dated, Jhanjharpur, the 14th day of July, 2026

SESSIONS TRIAL NO. 88/2025

Arising out of Phulparas P.S. Case No. 444/2020, dated 04.09.2020 u/s -376/34 of I.P.C.

State (Through Surya Devi)

----- **Informant**

vs.

1. Ramsevak Yadav aged about 40 years S/o Late Gulgul Yadav.
2. Rampari Devi aged about 37 years W/o- Ramsevak Yadav.
-Both R/o Village- Phulparas, PS- Phulparas, District-Madhubani.

----- **Accused Persons**

Charge u/s 376/34 of I.P.C.

Date of offence- 28.08.2020
Date of F.I.R- 04.09.2020
Date of chargesheet- 14.04.2025
Date of Cognizance-22.04.2025
Date of framing of charge- 07.07.2025
Date of commencement of evidence- 06.08.2025
Date on which evidence is closed- 15.06.2026
Date on which Judgment is reserved- 02.07.2026
Date of Judgment- 14.07.2026

Lawyer for the prosecution: Ld. Shri. Devshankar Jha, A.P.P
Lawyer for the defence: Ld. Shri Rajkumar Yadav, Advocate.

J U D G M E N T

1. The accused persons Ramsevak Yadav & Rampari Devi are facing trial u/s 376/34 of I.P.C.

2. The prosecution story in nutshell on basis of fardbayan of Surya Devi is that on 28.08.2020 in the night at about 11:00 PM, she was sleeping in her home. Then someone knocked her door. She went out, and saw that accused namely Uday Kumar Yadav and Ramsevak Yadav, who were drunk, and Rampari Devi was also with them. That accused namely Uday Kumar Yadav started playing with her dignity, and when she started shouting, then petitioner stuffed a cloth in her mouth, and raped her. They went away by threatening, that if she do anything then he will kill her.

At that time, informant's husband was out of village. She gave information about the incident, and after that the informant has lodged an F.I.R. Hence, this case.

3. This case was filed vide Phulparas P.S Case. 444/2020 u/s 376/34 of I.P.C.

4. After investigation, police submitted charge-sheet no. 221/2025 dated 14.04.2025 against accused persons u/s 376/34 of I.P.C. The learned Magistrate took cognizance for offence u/s 376/34 of IPC.

5. That after compliance of 207 Cr.P.C, the case was committed to the Court of Sessions, and the Sessions Judge, Madhubani transferred this case to the file of this court for trial and disposal.

6. In this case charge was framed against the accused persons in which they pleaded not guilty and claimed to be tried.

7. Case of the defence is, as it appears from the statement of accused persons recorded u/s 313 Cr.P.C, that the accused persons are innocent and have been falsely implicated.

8. Now the question for determination before this court is that whether the prosecution has been able to prove his case beyond all reasonable doubt.

FINDINGS

9. In order to prove the case, the prosecution has examined as many as two witnesses namely, Ranjit Yadav (PW-1), and Surya Devi (PW-2).

10. **Evaluation of evidence & reasons thereof:-**

For proper adjudication, it is essential to evaluate the evidences on the record with respect to the charges against the accused person.

11. PW-1 is Ranjit Yadav, ie husband of victim. He had stated that incident occurred six years ago, at night. That his wife had gone to sleep. Someone had stolen Rampari Devi's money, based on that suspicion of theft, a dispute arose between his wife, Surya Devi, and Rampari Devi. It is further stated that incident led to a dispute, and conflict led to Uday Kumar Yadav raping his wife. That accused person namely Ramsevk Yadav, and Rampari Devi, are present in the Court, and he recognizes them.

In his cross-examination, he had stated that settlement has been reached amicably between the parties. They have signed on the compromise petition. That there was an altercation between his wife Surya Devi, and his sister-in-law namely Rampari Devi regarding money. It is further stated that he had filed a case against Uday, in which both of them were made accused. Both of them had not committed any incident, and he have no objection if the case is dismissed. He no longer wish to contest the case.

12. PW-2 is Surya Devi, ie informant/victim of the case. She had stated that this incident happened six years ago. It was 11:00 PM at night. She was sleeping at home with her children at that time. Uday Kumar Yadav, Ramsevak Yadav, Rampari Devi, all of them came, and Uday Kumar Yadav started playing with her dignity. She tried to scream, but a cloth was stuffed in her mouth, and Uday Kumar Yadav raper her. That her husband was working as a labourer at Kolkata. She informed her husband. It is further stated that after her husband came, she gave an application to the police station. Petitioner accused Ramsevak Yadav and Rampari Devi are present in the Court, and she recognizes them.

In her cross-examination, she had stated that this case has been settled with the consent of both the parties. She had signed on the compromise petition. It is further stated that none of them has done anything to her. It is further stated that Rampari's money was lost, and they had an argument over this. That no incident of rape has been committed. It is further stated that she, no longer wish to contest this case, and have no objection if the case is dismissed.

13. Perused the evidence on record, and heard argument put forward by both sides. Neither I.O, nor doctor has been examined by prosecution. PW1 is husband of victim, and had stated that accused facing trial in this case had not done anything to his wife. Even PW2 who is victim, and had stated that it was Uday who raped her, and these accused persons have nothing to do with any activity of Uday. Both the witnesses have also admitted that compromise had taken place between both sides. Perusal of Fardbyan of informant, statement of informant before Court and also witnesses there is no allaegation against the accused persons facing trial in this case. Neither there is a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused, and nor there are circumstances conclusive in nature. So from evidences on record, prosecution had miserably failed in proving its case.

Hereinafter order is passed.

ORDER

In view of above discussion on facts and circumstances of the case, this Court find that the prosecution had miserably failed to prove the charges leveled against the accused namely Ramsevak Yadav & Rampari Devi u/s 376/34 of IPC, beyond shadow of all reasonable doubts, and hold the accused persons not guilty for aforesaid offences. Accused persons are acquitted, and set at liberty. Further, accused persons are also discharged from the liability of their respective bail bonds.

Pronounced in open court and given under the seal of this court.

Dictated and Corrected by me:

Sd/-
(Abhishek Ranjan)
Addl. Sessions Judge-II
Jhanjharpur
14.07.2026

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(Abhishek Ranjan)
Addl. Sessions Judge-II
Jhanjharpur
14.07-2026