

**IN THE COURT OF 2nd DISTRICT & ADDITIONAL
SESSIONS JUDGE, PURNEA
Sessions Trial No.- 219 of 2024
C.I.S. No. 219 of 2024**

(ARISING OUT OF JALALGARH P. S CASE No. 200 of 2023)
U/S– 302/34 of IPC & 27 of Arms Act.

IN THE MATTER OF:-

(STATE)

(Through the informant Ramanand Mandal, S/o Late Jabun Yadav, R/o Village – Kali Bazar, Ward no. 14, P.S.- Araria, District - Araria.)

.....PROSECUTION

Vs.

1. Lalan Yadav, S/o- Late Sri Sitaram Yadav, aged about 42 years.
2. Raj Kumar Yadav @ Chintu @ Raj Kamal Ranjan, S/o- Satish Kumar Yadav, aged about 28 years.
Both R/o Village – Raghunathpur, P.S.- Bhargama,
District - Araria.

.....ACCUSED

Learned counsel for the prosecution :- Shri. Rahul Raja, Addl. Public Prosecutor.

2. Shri P.S Prag, Id. Adv.

Learned counsel for the Defence :- Shri J.N Ambastha, Id. Adv.

Date of offence:-	19.10.2023
Date of FIR:-	19.10.2023
Date of Charge-sheet:-	31.12.2023
Date of Cognizance:-	22.01.2024
Date of Commitment:-	03.05.2024
Date of framing of charges:-	17.05.2024
Date of commencement of evidence:-	01.06.2024
Date of Statement U/s 313:-	07.02.2026
Date on which judgment is reserved:	30.03.2026.
Date of judgment:-	30.03.2026
Date of sentence order, if any:-	NIL

DATE OF JUDGMENT : 30.03.2026

PRESENT :- DESHMUKH

**2nd Additional District and Sessions Judge,
Purnea**

J U D G M E N T

1. The above named accused 1. Lalan Yadav & 2. Raj Kumar Yadav @ Chintu @ Raj Kamal Ranjan, stand charged for the offences U/s 302/34 & 120(B) of the Indian Penal Code.

2. Factual matrix of the prosecution **story in brief, as per the FIR**, is that the daughter of informant namely Pinki Yadav @ Kiran got married with Lalan Yadav in the year 2009. On 19.10.2023, around 07:30 PM, the informant had a talk with his daughter over phone when she told that she was at Kasba and was coming to him. After some time, around 08:45PM, his son-in-law telephoned him that someone has fired on Pinki near Jalalgarh (Satari Chowk). When the informant reached to the hospital then he found his daughter dead. The informant further said that all these things were concocted and as per a pre-plan his daughter had been murdered at Jalalgarh whereas the husband of the deceased Lalan Yadav and his two daughter were also sitting in the same tempo(auto rickshaw) and the elder daughter aged around 10 years was handicapped and the younger one was aged about 03 years. The auto- rickshaw driver was Rajkumar yadav @ Chintu who was maternal Nephew of Lalan Yadav. Lalan Yadav always used to assault the daughter of informant and used to threaten her because two pieces of land were in the name of his deceased daughter. The relationship between the deceased and her husband was not congenial and some twenty days before the occurrence also Lalan Yadav had assaulted her. The informant had all the doubts that Lalan Yadav, Pradeep Yadav, Bauwa Yadav, Ranjan Yadav, wife of Pradeep yadav, Rajkumar Yadav and Satish Yadav were involved in the murder of informant's daughter and these accused persons had also altercated physically with the only son (remaining son) of the informant and had threatened him to kill. Accordingly FIR was lodged.

3. On the basis of written complaint of the informant Ramanand yadav, dated 19.10.2023, as above, Jalalgarh P.S. Case No. 200/2023 dated 19.10.2023 was instituted Under Section 302/34 of IPC and 27 of Arms Act against the accused namely 1. Lalan Yadav, 2. Pradeep Yadav, 3. Bauwa Yadav, 4. Ranjan Yadav, 5. Wife of Pradeep yadav, 6. Rajkumar Yadav and 7. Satish Yadav. After investigation the police submitted charge-sheet no. 292/2023 dated 31.12.2023 against the accused 1. Lalan Yadav, and 2. Rajkumar Yadav for the offences u/s 302/120(B) of IPC and kept the investigation pending against other co-accused and on other points.

The then ld. court took **cognizance** of the offence vide its order dated 22.01.2024 against the accused 1. Lalan Yadav & 2. Rajkumar yadav for the offence U/s 302/34 & 120(B) of the Indian Penal Code.

Thereafter the record of all these two accused persons was **committed** to the Court of Sessions vide order dated 03.05.2024.

4. Formally on 17.05.2024 **charges** were framed against the accused 1. Lalan Yadav, and 2. Rajkumar Yadav for the offences U/s 302/34 & 120(B) of the Indian Penal Code and contents of the offences were read over and explained to the accused in Hindi to which they pleaded not guilty and claimed to be tried.

5. After the closure of the evidence of prosecution on 27.01.2026 the **statements U/s 313 Cr.P.C.** of the accused were recorded in open court on 07.02.2026 in which they had stated that they had listened the depositions of the prosecution witnesses in this case and further denied the charges against them and had claimed themselves innocent and said that they have been falsely implicated in this case merely on suspicion. The person who had fired was sitting on a motor bike. On that bike three persons were riding and the person sitting in the middle, who had covered his face with a towel, had fired. They could not see the face of the persons who fired or was driving the bike or was sitting as pillion rider.

6. The only point for determination before the court is whether the prosecution has been able to prove the charges beyond all reasonable doubt or not and whether the accused persons facing trial have any complicity in the alleged offence.

FINDINGS

7. In support of the case prosecution adduced altogether 6 (Six) witnesses in the case namely P.W.1- Ramanand Yadav (Informant), P.W.2- Ashok Kumar yadav, P.W.3- Lakshman Yadav, P.W.4- Dr. Abdul Wahab (Doctor), P.W.5- Md. Tahid, P.W.6- Rajesh Kumar (I.O).

Apart from the oral testimonies the prosecution also brought certain documents on record and got them exhibited as under –

Exhibit-P.1/PW1- Signature of informant on written complaint.

Exhibit-P.2/PW2- Signature of Ashok Kumar Yadav (P.W.2) on Seizure List.

Exhibit-P.3/PW4- Postmortem Report.

Exhibit-P.4/PW6- Endorsement on the written complaint.

Exhibit-P.5/PW6- Signature on Formal FIR.

Exhibit-P.6/PW6- Signature and Writting of Dharmendra Singh on Seizure list.

Exhibit-P.7/PW6- Inquest Report.

Exhibit- 8 & 8/A Certified copy of Sale Deeds in the name of Deceased.

8. On the other hand, Ld. Defence did not prefer to bring forth any evidence on record, be it oral or documentary, even after ample opportunities.

Brief summary of Evidences

Oral testimonies/evidences

9. **PW-1 (Ramanand Yadav) (Informant) deposed in his Examination in Chief that Pinki Yadav @ Kiran was his daughter**

who got married to Lalan Yadav on 15.02.2009. After which she went to her in-law's house. The incident is of 19.10.2023 on which date, around 07:30 PM, he had a talk with his daughter who told her that she was at "Kasba" and was coming to home. After some time, around 08:45 PM, his son in-law Lalan Yadav rang him and told that someone had shot Pinki near Satari Chowk, Jalalgarh. He went to Jalalgarh hospital and saw her daughter lying in a dead condition. One bullet had hit her in her ribs and had went out through under arms. No one else had got injuries. He had seen one live cartage, bag, purse and pillow in the tempo (auto rickshaw). He had all believes that his daughter was murdered by Lalan Yadav, Pradeep Yadav, Bauwa Yadav, Ranjan Yadav, Lalita Devi, Chitu Yadav @ Rajkumar and Satish Kumar.

His daughter was a fashion designer in Delhi and she had purchased 2 "Katha" land in Rambagh, 10 decimal in Kasba and Bhargama, 63 decimal land in Raghunathpur Raniganj, Araria, out of her earnings.

Before the occurrence Lalan Yadav used to tell her to let the lands be transferred in his name and used to threaten her that otherwise she would be killed.

Pradeep Yadav murdered his daughter by taking her on Auto-rickshaw. He was informed that some other people had murdered his daughter. A postmortem was conducted on his daughter's body at Sadar Hospital Purnea. At the time of occurrence his daughter was pregnant by four months. He informed Jalalgarh Police Station by submitting a written application which bore his signature and he identified the signature, Exhibited as P.1/PW.1.

He further identified accused Lalan Yadav and Chintu Yadav @ Raj kumar yadav out of whom Lalan Yadav was his son-in-law.

During cross-examination he deposed that his daughter was coming home along with her children on the occasion of Durga Puja. Earlier she used to come by Car but on the date of occurrence she was coming by an Auto-rickshaw and from "Kasba" she had informed him

around 07:30 PM that she was coming home. Lalan Yadav had told him over phone that a gun shot had taken place but he did not say that who had fired neither this witness had asked at that time. His son in-law had told him that he was taking his daughter to Hospital and that is why the witness went to Jalalgarh Hospital. At the time of marriage his daughter was completing her course of Fashion Designing and after completion she had gone to Delhi along with her husband. His daughter had two children out of which one was handicapped. His daughter and son-in-law came back home during Covid-time after which she was not permitted to go back. His son in-law used to run a Cold-Drink shop at Rambagh were the witness used to go time and often and usually he used to talk with him over phone only. His daughter had purchased land in the year 2019, 2021 and 2022. Land at "Rambagh" was in the name of his daughter and land at "Raghunathpur" was gifted to her by her mother in-law out of love and affection due to her services and further the land of "Kasba" was in the name of his daughter and son-in-law jointly. His daughter had come home along with her husband on the occasion of Rakshabandhan and had returned back.

The witness has two sons and two daughters out of which one of the son was murdered by unknown in the year 2012 at Rampur on Purnea-Araria Road .

When the witness had reached Jalalgarh hospital than Police also had arrived and many people had assembled there and he had seen his daughter in a dead condition and had not talked with his son-in-law because he became sick. On that very night he had gone to Police Station and stated about the occurrence. On that night he had seen a live cartage in the tempo (auto-rickshaw) which was appearing live and police had picked it up. His son-in-law were two brothers namely Pradeep yadav and Lalan Yadav who were separated in hearth but whether a partition regarding there parental property had taken place or not was not known to him. There were two sale deeds in the name of his daughter and son-in-law. His daughter had purchased the land out

of her own earning. His son in-law's house was in the name of his mother which was partitioned between Pradeep and Lalan by a "*Panchnama Batwara*".

He further deposed that his daughter was killed due to land. Howsoever he had never complained earlier before police or court against his son-in-law. His son-in-law used to come to his house and used to have meals but did not use to talk with him. After institution of FIR he used to go to police where police used to ask him and in course of investigation he had given application to I.O, Dy.Sp, I.G but nothing had happened. He had not gone to the place of occurrence rather had gone straight away to hospital. His daughter was coming home along with husband, both daughters, tempo driver the Nephew of his son-in-law. The elder daughter of his deceased daughter was handicapped and could not speak and the younger one was three years aged one.

He denied the suggestion of defence that he misled the investigation out of his suspicion and that unknown criminal had fired on his son-in-law Lalan which unfortunately hit his daughter who died. He also denied that Pradeep and Lalan were living separately since five years earlier from the marriage of his daughter. It was Pradeep who had arranged the marriage of Lalan. Father of Pradeep and Lalan died in the year 2023 who was the govt. servant. He further denied the suggestion of defence that he deposed wrongly and his son-in-law Lalan and his daughter were living happily in good relation and Lalan himself had purchased the land in his own name and his wife's name. Out of his own he says further that relationship of his son-in-law and daughter was not good.

10. P.W. 2 (Ashok Kumar Yadav) deposed in his Examination in Chief that the incident occurred on 19.10.2023, around 07:30-08:00 PM when his sister-in-law Jaymala Devi informed him over the phone that Pinki Devi had been shot. After receiving this information he went to Hope Hospital, Purnea. Upon reaching there he got to know that the

deceased was in Jalalgarh. He then went to Jalalgarh and found that the body had already been moved. He saw a tempo there which was stained with blood and found empty cartage, for which seizure list was prepared, he signed on it, which he recognized and is marked as Exhibit-P.2/PW.2. From there he went to the Sadar Hospital. He did not know who else signed on that seizure list after his signature. He recognized the accused Lalan Yadav and Lalan Yadav's Nephew who was present in the court. He did not know nephew's name.

During cross-examination he deposed that Pinki Devi was his niece. When he went to the police station the police questioned him. After the questioning he never had any further contact with the police in future. He went to the police station between 10:00-10:30 PM, on the day of the incident. He was in Rambagh on the day of the incident. He went to Police station after seeing the deceased at the Sadar Hospital. When he went to the Sadar Hospital, the deceased was there, but he did not see the police. However the police might be present nearby. He went to the Police Station with Pinki's father and other people. At the police station they first asked for his name and address. He cannot say the Reg. number of the the tempo (Auto-Ricksaw) which was standing in the police station compound. He saw the cartage fired at the tempo (Auto-Rickshwa). He saw only the cartage. After that he sat near Daroga ji and Pinki's father. While he was sitting at the police station the Sub inspector said that this is a seizure list and asked him to sign on it. He used to visit Pinki Devi's in-law's house occasionally. Some occasional fights used to take place between Lalan Yadav and Lalan Yadav's wife (the deceased) which usually takes in every household. He has no personal knowledge regarding how Pinki Devi was Killed.

11. P.W. 3 (Lakshman Yadav) deposed in his Examination in Chief that the informant of this case is his elder brother, Ramanand Yadav. Pinki yadav @ Kiran is the daughter of his elder brother

Ramanand Yadav. They had got her married to Lalan Yadav on 15.02.2009. After the marriage her niece went to her in-law's house. This incident occurred on 19.10.2023. Regarding the incident, his elder brother informed his younger brother Ashok that Kiran had been shot at Satari Chowk, Jalalgarh. After that he, his younger brother Ashok Yadav and neighbors were about to reach Jalalgarh when his younger brother told Ashok that the body had been sent to Sadar Hospital for post-mortem. Then they reached Sadar Hospital. They saw their niece's dead body at the hospital. By looking at it he felt that she had been killed by gunshot. His elder brother told him that Lalan Yadav, Pradeep Yadav, Raj Kumar Yadav @ Chintu and others murdered her as part of conspiracy. He recognized accused Raj Kumar Yadav and Lalan Yadav who were present in the court.

During cross-examination he deposed that he lives in Rambagh where her niece's house is located. He used to visit her on special occasions. On the day of incident he was at his home in Rambagh. Ashok Yadav came to his house and told him that her niece had been shot. Ashok Yadav is his younger brother who also lives in Rambagh. At about 09:15 PM Ashok told that Pinki was shot upon which he went to Purnea Hospital and saw the dead body of Pinki from where she was taken for Postmortem. He did not remember whether police had come or not. After Postmortem Pinki's father had taken away the dead body. He had gone to Police Station for lodging FIR along with his brother and other persons where his brother had got lodged the FIR. There police had asked him that who was the man and had taken his statement. Thereafter he never met police. He had put his signature on the statement but had not written the statement. He did not have any personal knowledge about the occurrence. Finally he denied the suggestion given by the defence that while coming to her Maika the criminal had shot Pinki who died later on and the brother of the witness lodged the FIR against his son-in-law and Nephew of son-in-law wrongly out of anger.

12. P.W. 4 (Dr. Abdul Wahab) (Doctor of the Case) deposed in his Examination in Chief that

On 20.10.2023, witness posted as a Tutor in department of FMT at GMCH, Purnea, at about 10:30 AM, conducted the postmortem examination on the dead body of Pinki Yadav, aged about 34 years, Sex-Female. W/o Lalan Yadav, resident of Vill –Rambagh, Ward No.- 30 P.S. -Sadar, District – Purnea. The dead body was brought and identified by Chowkidar 2/05-Utranand Rishi, Chaukidar 4/3- Tikalal Harijan and Ramanand Yadav (Father of deceased). He found following antemortem injuries on her person with date and time as under:-

Date and time of arrival of dead body- 10:30 AM on 20.10.2023

Date and time of Commencement of Post mortem examination- 11:00 AM on 20.10.2023

External Examination – Rigor mortis was present in all four limbs. Body and body clothes were soaked with blood and blood clots. One wound of entry 0.5" X 0.5" X leading to left arm with piercing the arm bone, 6 inch below the tip of left shoulder with inverted margin was present over the outer side of left arm with about 2" diameter area of Tattooing all around the wound and 0.5" area of blackening around the entry wound. The Bullet piercing through Skin, muscle and bone of left arm, left wall of chest, left side of rib cage extending upto left pleura, left lung, heart, right lung and come out from the right side of the chest wall. One wound of exit of size 1 inch X 1 inch was present on right side of chest wall just below the right armpit with inverted margin. The whole tract was grossly contused and infiltrated with blood and blood clots.

Internal examination- On opening the chest cavity- The chest cavity was filled with blood and blood clots with laceration of left Lung and heart. On opening abdominal cavity- The abdominal cavity was filled with blood and blood clots. All abdominal solid Viscera such as Liver,

Spleen and both Kidney were pale.

Stomach contained about 60 ml of yellow colour of pasty food with normal gastric mucosa.

Brain and its meninges were pale.

Bladder- Empty.

Uterus- Gravid with 4 month amenorrhea.

Opinion- The above noted injury was antemortem dangerous and grievous to life sufficient to cause death in ordinary course of nature and caused by Firearm weapon.

Cause of death: Death was due to Hemorrhage and Shock due to Firearm weapon.

Time Since death- Within 12-24 hours Prior to Postmortem examination..

The postmortem report has been dictated by him bears his signature and the entire PM report has been marked as Ext.P3/PW4.

During cross-examination he deposed that Entry wound depends upon the closeness of firearms. In the instant case considering the blackening and tattooing of the wound, It appears that the fire was from short distance or contact firing.

13. P.W. 5 (Md. Tahid) deposed in his Examination in Chief that he did not know anything about this incident and his statement was not recorded by the police. Witness did not recognize the accused persons present in the court.

Witness is declared **hostile** by the prosecution and the prosecution was permitted to cross-examine upon which he denied the suggestion given by the prosecution that he had said in his statement before the police that on 19.10.2023, around 08:00 PM in the evening, an auto-rickshaw (tempo) coming from the direction of Purnia stoped near his shop. In that tempo, there were two men (including driver), one woman and a child. The man sitting on the back seat said that someone had shot his wife who was sitting in the tempo. When he went

near the tempo he saw a woman sitting on the right side of the back seating in an unconscious state and he immediately advised taking her for the hospital.

During cross-examination by the defence he said that he became aware of this case only upon receiving a notice from the court. He has given this deposition of his own free will.

14. P.W. 6 (Rajesh Kumar) (I.O) deposed in his Examination in Chief that on 19.10.2023 he was posted as in-charge (SHO) in Jalalgarh Police Station. On same day itself he took charge of the investigation of Jalalgarh Police Station Case No. 200/2023. This case was registered based on a written application by Ramanand Yadav. The order to register the case and lead the investigation is in handwriting of witness and bears his signature which he recognized and which is marked as Exhibit P.4/PW6. The formal FIR also bears signature of this witness which is marked as Exhibit P.5/PW6. Patrolling officer, ASI Dharmendra Singh, went to Jalalgarh Hospital where the deceased was lying on a stretcher. On the back seat of the Tempo (Auto-Rickshaw)(Reg. No. BR 11 PC 8046) parked there, a brass-colored cartage was found in a gap/crack of seat and it's length was about 2 fingers with a brass base and a black metal front. ASI Dharmendra Singh seized it and provided copies of the seizure list to the accused Lalan Yadav and Rajkumar Ranjan. This witness recognized the handwriting and signature on the seizure list as it belongs to his junior which had been marked as Exhibit P.6/PW6. The Inquest Report was prepared by Dharmendra Singh which had been marked as Exhibit P.7/PW6.

Witness re-recorded the statement of the deceased's father and, based on raised suspicion, arrested the accused Lalan Yadav, Rajkumar Yadav @ Chintu Yadav. Due to lack of adequate light at night the inspection of the crime scene could not be completed and a *Chaukidar* was stationed there for security. He recorded the statements of

witnesses Lakshman Yadav and Raju Kumar. The place of occurrence of this case is located in Mishri Nagar, Satari Chowk, on the western side of NH 57 under Jalalgarh P.S. In the north and south of the the place of occurrence there is service lane, in east NH 57 and in west concrete road going towards Jalalgarh. He recorded the statements of witnesses Md. Tahid. Both arrested accused were sent to judicial custody. He received the Post-Mortem report of the deceased. He recorded the statement of witness Upendra Poddar. Based on the evidence collected and orders from superior officers he submitted a charge sheet against Lalan Yadav, Rajkumar Yadav @ Chintu Yadav under Sections 302 and 120(B) of the IPC.

Witness recognized the accused Lalan Yadav present in court. Lalan Yadav is the husband of the deceased. He said that he could also identify the other accused upon seeing him.

During cross-examination he said that he have noted in paragraph 2 of the Case Diary (CD) that he received telephonic information that a woman had been shot. He did not record this in the Station Diary nor did the informant disclosed his name. A police team was sent to Jalalgarh and he followed shortly after that. When he arrived there by that time the Inquest Report and Seizure List had already been prepared by the patrolling team. He did not mention in the CD that these were handed over to him at the police station. He did not record in the CD that he was given the written application by Ramanand Yadav (Informant) at the police station. He started the investigation after registering the case at the Police station. He did not mention in Paragraph 7 of the CD that at what time did he left the station. He did not mention in any paragraph of the Case Diary that where or when the re-statment of the informant was recorded or the statements of Lakshman Yadav and Raju Yadav.

He did not record the statement of Kailash Singh whose house was situated in the boundary of place of occurrence neither recorded the statement of the shopkeepers nearby the place of occurrence nor

mentioned in the case diary that he had tried to do so. He had taken statement of Tahid who had stated that the man sitting in the Tempo (Auto-rickshaw) had said him that someone had shot his wife but the witness did not investigate on this point. He did not either investigate on the point of the alleged "piece of land" which was said to have been in the name of the deceased and only due to which her husband was said to have shot her. In course of investigation he had gone to the *sasural* of the deceased for arresting accused person but he did not investigate on any other point neither had taken statement of any person. He had not investigated on the point of alleged bad relation between the deceased and her husband or that her husband wanted to grab the land of his wife and further deposed that in para 13 of the Case diary he had taken the statement of Uncle of the deceased in which scuffle / altercation between the deceased and her husband has been mentioned over dispute over land but otherwise he had not investigated on this point or had taken any bodies statement. On the basis of statements taken in course of investigation and on perusal of postmortem report the charge-sheet has been submitted. N.H-57 (Place of occurrence) is a very busy road and several vehicles keep on plying on that road.

He denied the suggestion given by the defence that accused persons had told him in their statement that while coming by tempo (auto-rickshaw) criminals had fired upon them which hit the deceased and which fact was supported by Tahid also and he submitted the charge-sheet by being misled of the statements of informant and his family members only and his investigation was faulty and flawed one.

Documentary Evidences/Exhibits

15. Exhibit-P.1, P.2, P.4/P.W.6, P.5/P.W.6, P.6/P.W.6 and Exhibit P.7/P.W.6 read conjointly are the institution of the FIR of the instant case as mentioned above in para 2 of this instant judgment

whereas **Exhibit- P.3/P.W.4** is the postmortem report of the deceased.

Exhibit-8 and 8/A are the certified copies of Sale deed filed on behalf of prosecution in the name of the deceased alleged to have been the motive of the occurrence.

Arguments tendered by both the sides

16. On the basis of above mentioned testimonies of the parties as well as the document brought on record, the **Ld. Addl. P.P** on behalf of State assisted by Ld. counsel Sri P.S Prag, private advocate on behalf of informant, submitted that it is very much evident from the oral testimony of P.W.1 as well as Exhibit - 8 and 8/A that the motive of the shooting down of the deceased by the accused Lalan Yadav in conspiracy with another accused persons was to grab the land purchased by the deceased in her own name out of her own earnings.

Further, although, there said to have been no eye witnesses but the entire circumstances suggested the possibility, i.e the complicity of the accused in the murder of the deceased. As deposed by P.W.1, the informant himself, that the deceased used to come to his house usually by Car whereas on the fateful day she was being brought by tempo (auto-rickshaw) and was shot at a very lonely place. Even the auto was also being driven by the Nephew of Lalan Yadav, husband of the deceased, namely Raj Kumar Yadav @ Chintu and both have been made accused in the case and no one else was present there at the place of occurrence at that very time because rest two children present in the auto-rickshaw at that time were incapable of saying anything. In a very unnatural manner the husband of the deceased himself did not become informant of the case neither call the police at first hand rather called the father of the deceased about the incident. As per the deposition of P.W.1 and P.W.2 coupled with the deposition of P.W.6 it is evident that on early occasions also the husband of the deceased used to quarrel with his wife over the land dispute that let the deceased transfer her

land in the name of the husband Lalan Yadav. Accordingly entire circumstances point out toward the complicity of the accused Lalan Yadav as well as his Nephew Ram Kumar Yadav @ Chintu and a conspiracy taken place between the accused persons for murdering the deceased. As no one else would have got any benefit from the killing of the deceased. Even the postmortem report, Exhibit-P.3/P.W.4 as well as the oral testimony of P.W.4 also transpired the fact that the gun shot injury was from a shot range or contact range which could have been inferred by the blackening and tattooing of the bullet arm injury wound. Hence the prosecution case is proved and let the accused person be held guilty and be convicted.

17. On the other hand ld. defence counsel argued that raised allegations are very serious and heinous in nature and this cannot be based on surmises and conjunctures only. Obviously there is no eye witness in the case. The entire case is based on circumstantial evidence in which chain of link is supposed to have been proved.

As far as the alleged motive is concerned, even going by the deposition of informant, P.W.1(para 9), it is clear that there were several pieces of land registered in the name of the deceased out of which one was gifted to her by her mother in law and one was in the name of the deceased along with her husband jointly and not in the name alone of the deceased. Further regarding the quarrel between the husband and wife there was no prior complaint of the informant or his deceased daughter lodged before any forum ever. P.W.2 the prosecution witness himself stated in para 10 of his deposition that the alleged quarrel of the deceased with her husband was just a usual occasional altercation between husband and wife as usual in society every household. Hence the alleged motive pointed out by prosecution is not tenable one in the eyes of law beyond doubt. P.W.6 the I.O either has not brought any such alleged fact in course of his investigation as

deposed by himself. As far as the alleged point of prosecution that it was the accused husband of the deceased only who could have gained any profit by the killing is a far fetched probability because otherwise held it was the accused husband only who could have incurred loss by the killing of his pregnant wife who was having already two kids and no one else was there to look after them.

As far as the allegation of prosecution regarding coming of the deceased on the fateful day by tempo (auto-rickshaw) is concerned, is a mere coincidence because the accused was not owner of any car etc. and as the deceased was coming to her Mayka on the occasion of Durga Puja vacation so it could be further a mere coincidental fact of emergency of fetching a vehicle.

Hence the alleged circumstantial fact cannot be said to have fulfilled the entire link of chain which could have been started with bringing forth facts and evidences on the point of alleged cruelty by the husband accused against the deceased over a point of grabbing her land, it's complaint before any forum, improbability of not committing the occurrence by any one else and final alleged taken step by the accused. When the accused himself was arrested from the hospital itself where the deceased died then how could he become informant of the case, who had rushed firstly to the hospital in order to save his wife, who was alive after gun shot and had become unconscious (by own suggestion of prosecution in the deposition of P.W. 5 supported by the deposition of P.W.6 in para 19). Even the PMR, Exhibit P.3/P.W.4 and deposition on P.W.4 also suggested a gun shot from shot range and had it been contact range mandatorly then presence of gun powder was also expected which was absent and was not reported. Hence the alleged circumstantial evidence fails to have been proved and the accused persons must be acquitted.

Discussions, Decision and Reason thereof

18. Heard both the sides and perused. Admittedly the **time of occurrence and place of occurrence** of the commission of killing of the deceased is not disputed and therefore, does not require to be discussed.

Thereafter coming to the **motive** of the case i.e to say as alleged by the ld. prosecution that the accused committed the murder of the deceased for want of certain piece of land for getting it transferred in his own name, is not appearing a motive proved beyond all reasonable doubt because one of the piece of land was in the conjoint name of the deceased and the accused whereas one of the piece of land was gifted to the deceased rather than purchased by her, which fact is evident by the oral testimony of the informant P.W.1 himself. Hence this motive does not appear to be one strong reason for the probable commission of the offence by the husband of the deceased.

Further, admittedly there is no eye witness in the case and the entire case has to be discussed only on the basis of "**last seen theory**" and "**circumstantial evidence**" only. Admittedly the accused was the last person to had been seen with the deceased. But can it be the sole reason to held him guilty for the commission of offence ? is the question before the Court. On this point firstly it becomes pertinent to mention the argument tendered by the ld. defence that, otherwise considered, it was the accused who was supposed to be in a position of loss if his wife would have been killed having two kids and a child in womb because no one other was there to look after those two kids. Further it was the husband himself who had informed about the gunshot to the informant and had taken the deceased to hospital. Still, after that, coming to the angle of circumstantial evidence it becomes pertinent to check the link of chain of evidence. On this point the landmark judgment of "Sharad Birdhichand Sarda V State of Maharashtra (1984)4 SCC 116: 1984 SCC (Cri) 487: AIR 1984 SC

1622" can be relied upon wherein it was held that:-

- (i) The circumstances from which the conclusion of guilt is to be drawn should be fully established;
- (ii) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;
- (iii) The circumstances should be of a conclusive nature and tendency;
- (iv) They should exclude every possible hypothesis except the one to be proved; and
- (v) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

In the instant case the mere circumstance that the accused husband was coming with the deceased by a tempo (auto-rickshaw) on the fateful day, alleged to have been unusual practice, was not conclusive because the accused or the deceased were not in a possession of their own car and the time was of Durga Puja vacation where by availability of conveyance could have been an emergent situation. Hence the circumstances could not be said to be a conclusive one that why the deceased was being brought by tempo/auto rikshaw inferring a suspicion.

After the shooting of the deceased, either intentionally or accidentally, bringing her to hospital by the accused husband himself, does not prove the exclusive hypothesis of the guilt of the accused because he might have other recourse also to have been escaped. Moreover the accused persons in their statement before the court U/s 313 of Cr.PC stated that the shooter was riding on a motorbike on which three persons were riding and the persons sitting in between had covered his face with a towel and the bike did not have any registration number either so that they could not see any person or could recognize

the bike.

Therefore there might be other possibilities and possible hypothesis (Someone other might have shooted) was possible. It is also important to remember that it was the accused only who had brought the deceased to the hospital and never tried to escape and from the hospital itself he was arrested. P.W.5 also stated, as per the suggestions given by the prosecution himself, that he saw the deceased sitting on the back seat of the tempo when she was unconscious and was being brought to the hospital by the accused husband. Hence other possibilities of shooting out of deceased by other apart from by the accused person can not be ruled out. Even the Postmortem report also suggested no mandatory contact range rather a possible short range fire also and no gun powder was said to have been available on the wounds. In such circumstance, mandatorly, the complicity of accused husband can not be hold as only possible hypothesis. At this very point it is pertinent to mention that on earlier occasion one of the son of the informant, P.W.1, was also murdered by an unknown and this fact also suggest about any other hypothesis that any other person might have shooted the deceased out of persisting animosity with the family of the informant, be it incidental or accidental.

Further, the alleged proposition of the prosecution that this killing was caused by the accused person for grabbing the land of the deceased is also not proved beyond all reasonable doubts. As per the earlier threatening on the point for letting the land get registered in the name of the accused, and the cruelty, no such complaint on any forum is available before the court and even, as per the deposition of P.W.2 in para 10 who was residing very much adjacently to the deceased, the occasional quarrels between the wife (deceased) and the husband (one of the accused) was quite natural one as being happening in every household in the society. Further there could have been lot many other means and opportunities before the husband for commission of this

offence had it been required or warranted. Hence it cannot be said that the chain of evidence was so complete as not having left any other reasonable ground for the conclusion consistent with the guilt. Moreover, when the accused himself brought the deceased to hospital for any chance of recovery or regain of life (As suggested by the prosecution himself in para 3 of P.W. 5 supported by the deposition of P.W.6 in para 19).

Undoubtedly a murder of a pregnant woman is a gruesome one but on the basis of evidence, even going by the circumstantial evidence, the chain of link is not appearing to be complete. Even the chowkidars said to have been brought the deceased body for postmortem have not been examined neither the person preparing the said inquest report, neither the said weapon of commission of offence was ever recovered nor any such FSL report or any other report is available on the record which could have suggested that the caused injury was by the same empty cartage said to have been found on the back seat of the auto-rickshaw.

Hence, the circumstantial evidence either is not proved beyond all reasonable doubt and the last seen theory does not prove either such commission of offence i.e to say murder committed by the accused is not being proved beyond all reasonable doubt.

19. Before parting with the judgment, for the purpose of the alleged offence U/s 120(B) of I.P.C, the prosecution did not bring forth any fact or evidence before the court regarding agreement between two or more persons for commission of any offence which was done by any overt act by any of the parties to such agreement.

20. But admittedly one fact is proved that the deceased Pinki Yadav @ Kiran, daughter of the informant, was murdered by a gun shot and fire arm injury caused by unknown-non traceable persons but can not be said that this murder caused by the accused persons facing trial.

ORDER

21. Regard being had to the facts and circumstance as well as the discussions set-forth above in the case, the accused persons namely 1. Lalan Yadav & 2. Raj Kumar Yadav @ Chintu @ Raj Kamal Ranjan is entitled to have at least benefit of doubt for not having committed any offence and, therefore, to be acquitted.

22. As the accused Raj Kumar Yadav @ Chintu @ Raj Kamal Ranjan is already on bail hence, on acquittal, he is discharged from the liabilities of his bail bonds. The accused Lalan Yadav is in judicial custody hence office is directed to issue his release order at once with respect to this case.

23. Let a copy of the judgment be sent to District Magistrate, Purnea under compliance of 365 of Cr.PC.

24. Let a copy of the judgment be also be sent to DLSA, Purnea for adequate compensation to the informant / natural guardian of the deceased who was murdered.

(Dictated)

SD/-

(DESHMUKH)

2nd District & Additiona Sessions Judge,
Purnea, Dated:30.03.2026

Dictated and corrected by me.

(Dictated)

SD/-

(DESHMUKH)

2nd District & Additiona Sessions Judge,
Purnea, Dated:30.03.2026

Appendix

List of Prosecution/Defence/Court Witnesses

A – Prosecution witnesses

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W-1	Ramanand Yadav	Informant
P.W-2	Ashok Kumar Yadav	Other witness
P.W-3	Lakshman Yadav	Other witness
P.W-4	Dr. Abdul Wahab	Doctor of the case
P.W-5	Md. Tahid	Other witness
P.W-6	Rajesh Kumar	I.O of the case

B – Defence Witnesses- NIL

C – Court Witnesses- NIL

List of Prosecution/Defence/Court Exhibits

A- Prosecution

S.L. No.	Exhibit Number	Description
1.	Exhibit-P.1/PW1	Signature of informant on written complaint.
2.	Exhibit-P.2/PW2	Signature of Ashok Kumar Yadav (P.W.2) on Seizue List.
3.	Exhibit-P.3/PW4	Postmortem Report.
4.	Exhibit-P.4/PW6	Endorsement on the written complaint.
5.	Exhibit-P.5/PW6	Signature on Formal FIR.
6.	Exhibit-P.6/PW6	Signature and Writting of Dharmendra Singh on Seizure list.
7.	Exhibit-P.7/PW6	Inquest Report.
8.	Exhibit- 8 & 8/A	Certified copy of Sale Deed in the name of Deceased.

B- Defence- NIL

C- Court Exhibits- NIL

D- Material Objects- NIL

(Dictated)
SD/-
(DESHMUKH)

2nd District & Additiona Sessions Judge,
Purnea, Dated: 30.03.2026