

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 96 of 2015
State Versus Subodh Yadav & Ors.
Date of Judgment : 17.06.2026

FORM A

<p>IN THE COURT OF SESSIONS JUDGE, BANKA</p> <p><i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i></p> <p><i>Date of Judgment:- 17.06.2026</i></p> <p>Session Trial No. 96 of 2015 <i>(Registration No. 2792 of 2015)</i> <i>[Amarpur (Fullidumar) Police Station Case No. 215 of 2014]</i> <i>Crime:- 147, 341, 323, 324, 307, 504 of IPC.</i></p>	
<i>Informant</i>	<i>Kanta Kumari daughter of Puran Yadav, resident of village Kumarpur, P.S. Fullidumar, District Banka</i>
REPRESENTED BY	<i>Sri Randhir Prasad Singh, A.P.P.</i>
ACCUSED	<ol style="list-style-type: none"> <i>1. Koyali Devi wife of Karu Yadav</i> <i>2. Ishwar Yadav son of Dhiro Yadav</i> <i>3. Kumkum Kumari daughter of Karu Yadav</i> <i>4. Rinku Devi daughter of Karu Yadav</i> <i>5. Rani Devi wife of Subodh Yadav</i> <i>6. Subodh Yadav son of Karu Yadav</i> <p><i>All residents of village Kumarpur, Police Station Fullidumar, District Banka</i></p>
REPRESENTED BY	<i>Sri Bijay Kumar Singh, Advocate</i>

FORM B

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<i>Date of Offence</i>	27.07.2014
<i>Date of F.I.R.</i>	28.07.2014
<i>Date of Charge-sheet</i>	31.10.2014, 02.11.2014
<i>Date of Framing of Charges</i>	05.05.2015
<i>Date of commencement of evidence</i>	02.06.2015
<i>Date on which judgment is reserved</i>	Nil
<i>Date of the Judgment</i>	17.06.2026
<i>Date of the Sentencing Order, if any</i>	Nil

Accused Details

<i>Rank of the Accused</i>	<i>Name of Accused</i>	<i>Date of Arrest</i>	<i>Date of Release on Bail</i>	<i>Offences Charged with</i>	<i>Whether Acquitted or convicted</i>	<i>Sentence Imposed</i>	<i>Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.</i>
1	Subodh Yadav			147, 341/149, 323/149, 324/149, 307/149 of IPC	Acquitted		
2.	Ishwar Yadav			147, 341/149, 323/149, 324/149, 307/149 of IPC	Acquitted		

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3.	<i>Rani Devi</i>			147, 341/149, 323/149, 324/149, 307/149 of IPC	<i>Acquitted</i>		
4.	<i>Kumkum Kumari</i>			147, 341/149, 323/149, 324/149, 307/149 of IPC	<i>Acquitted</i>		
5.	<i>Koyali Devi</i>			147, 341/149, 323/149, 324/149, 307/149 of IPC	<i>Acquitted</i>		
6.	<i>Rinku Devi</i>			147, 341/149, 323/149, 324/149, 307/149 of IPC	<i>Acquitted</i>		

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>PW 1</i>	<i>Bimal Mohan Jha</i>	<i>Investigating Officer</i>
<i>PW 2</i>	<i>Gouri Devi</i>	<i>Interested witness</i>

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PW3	Gurudeo Yadav	Hearsay witness
PW4	Devendra Prasad Yadav	Hearsay witness
PW5	Prakash Yadav @ Jay Prakash Yadav	Hearsay witness
PW6	Kanta Kumari @ Puja Kumari	Informant

B. Defense Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1	Nil	

C. Court Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	Exhibit-1	Writing and Signature of enndorsement on formal FIR
2	Exhibit-1/1	Writing and Signature of forwarding on formal FIR

B. Defense:

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<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

C. Court Exhibits

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

D. Material Objects

<i>Sr. No.</i>	<i>Material Object Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

J U D G M E N T

- The accused have been brought before this court to face trial upon an FIR lodged under Sections 147, 341, 323, 324, 307, 504 of IPC, fulcrum whereof is an application filed by one Kanta Kumari with the allegations that on 27.07.2014, at about 06:30 pm, she and her sister Lovely Kumari were talking to each other. In between, her neighbor Rani Devi came to intervene and said what are you gossiping about us and started abusing, upon which both sisters closed their door. When her father Puran Yadav and mother Munni Devi came after planting paddy, then (i) Subodh Yadav, (ii) Rani Devi, (iii) Karu Yadav, (iv) Ishwar Yadav, (v) Rinku Devi, (vi) Koyali Devi, (vii) Kumkum Kumari, armed with blackjack, digging bar, battle-axe in their hands came and started assaulting her parents. Upon yelling, both sisters and brother went to rescue upon which Subodh Yadav assaulted her father, Rani Devi assaulted her mother, and Karu Yadav and Ishwar Yadav assaulted both sisters and brother with battle-axe and digging*

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bar on their heads with intent to kill, resultantly they injured. Kumkum Kumari, Koyali Kumari and Rinku Devi assaulted both sisters with blackjack, resultantly left hand fingers of both the sisters fractured.

- 2. On the application, Amarpur (Fullidumar) Police Station Case No. 215 of 2014, under Sections 147, 341, 323, 324, 307, 504 of IPC was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed charge-sheet no. 74 of 2014, dated 31.10.2014, against accused Karu Yadav, and charge-sheet no. 79 of 2014, dated 02.11.2014, against accused persons, 1. Ishwar Yadav, 2. Rani Devi, 3. Rinku Devi, 4. Kumkum Devi, 5. Koyali Devi and 6. Subodh Yadav, under sections 147, 341, 323, 324, 307, 504 of IPC.*
- 3. On 08.12.2014, learned Chief Judicial Magistrate, Banka after going through the materials on record as well as the case diary and charge-sheet took cognizance against all the seven charge-sheeted accused persons under Sections 147, 341, 323, 324, 307, 504 of IPC and committed the case to the Court of Sessions on 19.03.2015.*
- 4. On 05.05.2015, charges were framed against all the seven accused under Sections 147, 341/149, 323/149, 324/149, 307/149 of IPC, which were read over and explained to the accused in vernacular language, for which they pleaded not guilty and claimed to be tried. Later on, vide order dated*

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06.08.2025, the proceeding against accused Karu Yadav was dropped as he died.

5. *In order to prove its case prosecution examined as much as six witnesses : -*

***PW1**, Bimal Mohan Jha, appeared in the witness box and in his examination-in-chief stated that on 28.07.2014, he was posted as A.S.I. in Fullidumar (Amarpur) police station. On that day, he was given charge of investigation of Amarpur (Fullidumar) Police Station Case No. 215 of 2014, dated 28.07.2014, by the SHO. He identified the endorsement on the formal FIR in the writing and signature of the then SHO, Amarpur, Mahesh Kumar, which is marked as Exhibit-1. He identified forwarding on the formal FIR in the writing and signature of SHO, Fullidumar, which is marked as Exhibit-1/1. He stated that the case is based on the written application of informant. He further stated that after taking charge of investigation, he recorded restatement of the informant who was present at the police station. Then, he issued requisition for injury report of injured. After that he departed for investigation of this case. He reached at the place of occurrence and inspected it. He further described the boundaries of place of occurrence. He further stated that he recorded statements of witnesses Gouri Devi, Devendra Prasad Yadav, Gurudev Yadav, Prakash Yadav. Then, he departed for police station and reached there at 18:00 hours. He received order of the S.P., which he mentioned in the case diary. Again,*

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he along with his team reached at Kumarpur village for conducting raid. He searched for accused but they were not traced. He further stated that on 08.08.2014, he again conducted raid at Kumarpur village but no accused was traced. Then, he returned police station at 15:00 hours. He received supervision note of Police Inspector. He received injury report of Kanti Kumar, Lovely Kumari and Krishna Kumar, which he mentioned in the case diary. Then, he received injury report of Puran Yadav and supplementary injury of Munni Devi, which he mentioned in the case diary. On 07.08.2014, he arrested accused Karu Yadav and forwarded him to the court. He submitted charge-sheet no. 71, dated 31.10.2014, against accused Karu Yadav under Sections 147, 341, 323, 324, 307, 504 of IPC. He further stated that the supplementary investigation against other accused was continued. He called all the accused and released them on bail. He submitted supplementary charge-sheet no. 39, dated 02.11.2014, against other six accused under Sections 147, 341, 323, 324, 307, 504 of IPC. He further identified the accused present in the court but he cannot tell the name (Subodh is present) and claimed to identify other accused. In cross-examination, the witness stated that he took charge of investigation of this case on 28.07.2014, at 13:30 hours. He does not know the time of lodging the FIR. He started investigation after receiving FIR at Fullidumar O.P. The FIR was lodged under Sections 147, 34, 323, 324, 307, 504 of IPC. He submitted charge-sheet against accused Karu

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Yadav under Section 307 and other sections of IPC. He did not submit charge-sheet against other accused under Sections 307 of IPC. There is no accused in the name of Ishwari Devi. He further submitted that the statements of witnesses were recorded on same day. He did not mention different dates for different witnesses. He recorded statements during course of investigation. He denied the suggestions that his investigation is defective. He denied the suggestions that he has filed wrong charge-sheet against Karu Yadav under Section 307 of IPC. In cross-examination by the court, the witness stated that at the time of submission of charge-sheet against Karu Yadav, all the injury reports were available. No new evidence was added later to the case diary. He submitted charge-sheet on the instruction of his senior official.

***PW2**, Gouri Devi, appeared in the witness box and in her examination-in-chief stated that the occurrence took place around three years ago. It was the time of 4 O'clock in the evening. At that time, she was at her in-law's home. She saw that all were beaten to unconscious. All were lying. She came there on information. The hands of two were broken. The head of three were ruptured. All were unconscious. She further stated that Subodh Yadav, Karu Yadav, Koyali Devi, Rani Devi, Kumkum Devi, Rinku Devi and Ishwar did the incident for children fight. She identified Subodh Yadav, who is her cousin, and claimed to identify other accused. In cross-examination, the witness stated that the accused also lodged a case against them.*

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She did not remember the day and date of occurrence. At the time of occurrence, she was at in-laws' house. When she came in-laws' home, she saw all were injured and accused ran away. She denied the suggestions that the accused did not assault and she has given false testimony to help her brother.

***PW3**, Gurudev Yadav, appeared in the witness box and in his examination-in-chief stated that the occurrence took place three years ago. It was evening. He went to outskirts for working. When he came back and was changing cloths, on *hullah* he saw all were decumbent. He saw Puran, his family and his daughter lying on surface and blood on their hands and heads. He further stated that he heard they sustained injury during children squabble. He heard Subodh Yadav, Karu Yadav, Kumkum Devi, etc. assaulted. He does not know as to why the squabble took place. He identified Subodh Yadav present in the court and claimed to identify others. In cross-examination, he cannot say the day and date of occurrence. He did not see the occurrence from his own eyes. He heard about the occurrence in crowd.*

***PW4**, Devendra Prasad Yadav, appeared in the witness box and in his examination-in-chief stated that the incident took place around one and a half year ago. At the time of incident, he was not there. He was in Fullidumar. When he returned at night, he heard that squabble took place inter se Subodh and Puran. He cannot say as to why the squabble took place. Puran and his wife were injured. He does not know the name of other*

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injured. He identified accused Subodh in the court. In cross-examination, the witness stated that he does not know who filed the case.

***PW5**, Prakash Yadav @ Jaiprakash Yadav, appeared in the witness box and in his examination-in-chief stated that it is an incident of year 2014. He was not at home. It was the time of evening. He did not see anything with his own eyes. He heard that squabble took place. He does not know as to how the squabble took place. Squabble took place between Puran and Karu. He further stated that he did not go to see the injured. He identified accused Subodh present in the court. In cross-examination, the witness stated that his house is three kilometers away from Fullidumar police station. Subodh is his co-villager, so he identified him. He did not see the squabble because he was not there.*

***PW6**, Kanta Kumari @ Puja Kumari, appeared in the witness box and in her examination-in-chief stated that both Puja and Kanta are her names. The incident took place on 27.07.2014. It was 6 O'clock in the evening. She was at home. Her sister, Lovely, and she were talking. Rani Devi said she was complaining about her and she started abusing. Her mother was also at home. Her father had come back from planting the crops. Subodh Yadav came with a blackjack and beat and injured everyone. He attacked them with battle-axe, blackjack, and spear. Mother Munni Devi was assaulted with battle-axe three or*

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four times on her head, resultantly she injured. Father Puran Yadav was assaulted on the forehead and leg. Lovely's hand was broken. She was beaten by Subodh Yadav, Rani Devi, Kumkum Devi, Rinku Devi, and Ishwar Yadav. Her brother was also beaten. Subodh Yadav and Rani Devi also assaulted her on her hand. A total of five people were injured. She further stated that they went to Sadar Hospital, Banka. Everyone was treated there. Her mother was referred from there. She further stated that an application for this incident was given to the police station. Her maternal uncle had written the application, and she signed it after reading and listening to it. Her maternal uncle, Brijmohan Yadav, also signed the application, which she claimed to identify. The entire FIR is marked as Exhibit 1. She further claimed to identify all the accused. In cross-examination, the witness stated that the accused persons had also filed a case regarding the same incident, in which both parties have arrived at compromise. After compromise, there is no dispute with any of the accused. Upon hulla, a crowd of villagers gathered there and amidst the crowd, she did not see who assaulted whom or with what object. Now, there is no complaint and there is no desire to proceed ahead in this case. There is no dispute of any kind between the parties.

6. *Thereafter, despite availing a number of effective adjournments the prosecution could not adduce any evidence and could not produce any witness. All the process i.e. summons,ailable warrants, non-ailable warrants was exhausted but the*

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prosecution could not adduce any evidence. Ultimately, seeing no way, vide order dated 29.10.2024, the prosecution evidence was closed.

- 7. The statement under Section 313 of the CrPC was also recorded on 28.08.2025, wherein the accused admitted having heard the evidence against them, and pleaded themselves as innocent.*
- 8. Learned Additional Public Prosecutor in his oral arguments submitted that the prosecution has well proved this case. It is argued that the accused are monied and mighty persons and they have won over all the witnesses, however the injuries sustained by the victims corroborate the prosecution version. Lastly, he prayed for conviction.*
- 9. In counter, learned counsel for the defense stoutly opposed the arguments of learned public prosecutor and submitted that the prosecution has failed to prove charges levelled against the accused. It is further argued that the prosecution examined as much as six witnesses. Prosecution witness no. 1 is investigating officer. Prosecution witness no. 2 has stated that at the time of occurrence she was at in-laws home, hence she is not eye witness of the alleged occurrence. Prosecution witness nos. 3, 4, and 5 are hearsay witnesses as they stated in their examination-in-chief that they heard about the occurrence. Prosecution witness no. 6 is informant and she herself admitted in her cross-examination that the matter has been compromised between the parties and*

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amidst the crowd, she did not see who assaulted whom or with what object. In this situation, the accused may be acquitted.

10. *Heard rival submissions and perused the record.*

11. *Conclusion :-*

To prove its case prosecution examined PW 1 Vimal Mohan Jha, who is I.O. of the case – a formal witness, who even could not identify the accused present in the Court. PW 2 is Gauri Devi who is not an eye witness and categorically stated that she was not present at the place of occurrence and was at her matrimonial home. PW 3 Gurudev Yadav is a hearsay witness. Likewise PW 4 is also hearsay witness, who was also not present at the place of incident. PW 5 Prakash Yadav, appeared in the witness box and stated that he had heard about the incident and himself not witnessed the incident. Then in the last PW 6 Kanta Kumari @ Puja Kumari stepped in the witness box – who is none else, but informant herself. She in her cross examination clearly stated that she did not see as to who assaulted upon whom. She did not elucidate anything about the incident, enabling this court to hold the liability. The informant even in her cross examination urged having compromised the matter.

The prosecution has also not proved any injury report.

Keeping in view the above, in the opinion of this court the prosecution has utterly failed to prove the guilt of the accused

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persons, resultantly the accused are acquitted of the charges levelled against them. Since, the accused are enjoying the privilege of bail, they and their sureties are discharged from the liability of the bail bonds.

Record be consigned to the record room after due compliance.

Dictated, Corrected and Pronounced by :-

***Satya Bhushan Arya
Sessions Judge, Banka
Dated- 17.06.2026***

This judgment contains fifteen pages, all are signed by me.

***Satya Bhushan Arya
Sessions Judge, Banka
Dated- 17.06.2026***

<i>Date of Judgment/ Order</i>	
<i>Date of Reserving Judgment/ Order</i>	
<i>Uploading Date</i>	
<i>Uploaded by</i>	