

FORM A

<b>IN THE COURT OF SESSIONS JUDGE, BANKA</b> <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 25.03.2026</i> <b>Session Trial No. 50 of 2018</b> <i>[Rajoun Police Station Case No. 55 of 2016]</i> <i>Crime:- 341, 323, 379, 308, 504, 506/34 of IPC .</i>	
<i>Informant</i>	<i>Suresh Yadav, son of Sadho Yadav, resident of village-Mohanpur, P.S.-Rajoun, District-Banka</i>
<b>REPRESENTED BY</b>	<i>Sri Randhir Prasad Singh, A.P.P.</i>
<b>ACCUSED</b>	<i>1. Kailash Yadav, son of Bilu @ Bilash Yadav</i> <i>2. Rabin Yadav @ Rabindra Yadav, son of Sadho Yadav</i> <i>3. Rakesh Yadav son of Billu @ Bilash Yadav</i> <i>3. Atal Bihari Yadav son of Rabin @ Rabindra Yadav</i> <i>All residents of village-Mohanpur, P.S.-Rajoun, District-Banka</i>
<b>REPRESENTED BY</b>	<i>Sri Ram Kishore Yadav, Advocate</i>

FORM B

<i>Date of Offence</i>	<i>04.03.2016</i>
<i>Date of F.I.R.</i>	<i>04.03.2016</i>
<i>Date of Charge-sheet</i>	<i>31.03.2016</i>
<i>Date of Framing of Charges</i>	<i>28.03.2018</i>
<i>Date of commencement of evidence</i>	<i>18.05.2018</i>
<i>Date on which judgment is reserved</i>	<i>Nil</i>

<i>Date of the Judgment</i>	25.03.2026
<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	Kailash Yadav			308/34, 341/34, 323/34, 504/34 of IPC	Acquitted		
2.	Atal Bihari Yadav			308/34, 341/34, 323/34, 504/34 of IPC	Acquitted		
3.	Rakesh Yadav			308/34, 341/34, 323/34, 504/34 of IPC	Acquitted		
4.	Rabin Yadav @ Rabindra Yadav			308/34, 341/34, 323/34, 504/34 of IPC	Acquitted		

*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>PW1</i>	<i>Rajaram Yadav</i>	<i>Interested Witness</i>

*B. Defene Witness, if any:*

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>DW 1</i>	<i>Nil</i>	

*C. Court Witness, if any:*

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>CW 1</i>	<i>Nil</i>	

*LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS*

*A. Prosecution*

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

*B. Defence:*

<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>
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*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**

- 1. The above named accused are facing trial upon an FIR lodged under Sections 341, 323, 379, 308, 504, 506/34 of IPC, which is based upon a gravamen filed by one Suresh Yadav with the allegations that on 04.03.2016, he went to Amarpur. At about 06:30 pm, when he reached at home, he saw the hand of government hand-pump broken. When he asked reason, Kailash Yadav, Bilu Yadav, Rabin Yadav, Atal Bihari Yadav, Rakesh Yadav came there and started abusing. When he refused them to do so, Kailu Yadav and Atal Bihari Yadav pelted bricks upon him, resultantly he sustained injury on his head and on the eye brow. Again, they in collusion with each other attacked with fist. Upon yelling, denizens and his son gathered there and then, Kailu Yadav snatched Rs. 700/- and managed to escape.*
- 2. On the application, Rajoun Police Station Case No. 55 of 2016, under Sections 341, 323, 379, 308, 504, 506/34 of IPC was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed charge-sheet no. 69 of 2016, dated 31.03.2016, against all the four accused persons, namely, 1. Kailash Yadav, 2. Atal Bihari*

*Yadav, 3. Rakesh Yadav, 4. Rabin Yadav @ Rabindra Yadav under Sections 341, 323, 308, 504/34 of IPC.*

3. *On 27.04.2016, learned Sub-Divisional Judicial Magistrate, Banka after going through the materials on record as well as the case diary and charge-sheet took cognizance against all the charge-sheeted accused persons under Sections 341, 323, 308, 504/34 of IPC and committed the case to the Court of Sessions on 01.02.2018.*
4. *On 28.03.2018, charges were framed against both the accused persons under Sections 308/34, 341/34, 323/34, 504/34 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.*
5. *In order to prove its case prosecution examined as much as one witness : -*

***PW1**, Rajaram Yadav, appeared in the witness box and in his examination-in-chief he stated that the occurrence took place on 04.03.2016. It was 06:30 in the evening. At that time he was at home. Kailash Yadav, Rabin Yadav, Rakesh Kumar and Atal Bihari in collusion with each other beat his father. He stated that there was a government hand pump which was used by everyone to drink water. Accused persons broke its handle. His father objected upon which the accused started abusing. He*

*further stated that when his father refused them from abusing, then Atal Bihari and Kailash Yadav pelted bricks, resultantly his father sustained injury on his eye and blood started oozing. Kailash Yadav took out Rs. 700/- from the pocket of his father and threatened him to kill. Rabin Yadav and Rakesh Yadav beat him with fist. Upon yelling, denizens came there and the accused managed to escape. He further identified accused Rakesh Kumar present in the court. In cross-examination, the witness stated that the accused are his denizens. There is a hand-pump situated by the roadside, twenty feet to the south of his house. It was the time of sunset. An outcry arose that there was altercation involving physical assault. He was with his father. The incident took place in their lane. There was no one present there. After the incident, the people arrived there. He further stated that his father sustained injury above his eye-brow. His father became unconscious. He further stated that his father narrated the incident to the police and signed thereon. He also signed thereon. He further stated that the sub-inspector sent his father to Rajoun hospital for first aid where his father was treated for a day. His father was treated in Bhagalpur for four days. The police came after the incident. He had showed blood-stained clothes and the blood on the ground to the police. The police did not seize it. Besides him, the police inquired from several others including Murari and Bablu. The police inquired 10-15*

*days. He further stated that he and his mother are accused in another case. The case has been lodged by the accused persons. His father is not accused in that case. He further submitted that the accused persons are his family members i.e. uncle and cousin. The dispute arose for fetching water from hand-pump. The hand-pump is government owned, but the accused still do not allow water to be fetched. He denied suggestion that accused have not committed any such incident, and that they have filed a false case to implicate them.*

- 6. Thereafter, despite availing a number of effective adjournments the prosecution could not adduce any evidence and could not produce any other witness. Ultimately, vide order dated 25.11.2025, the prosecution evidence was closed.*
- 7. The statement under Section 313 of the CrPC was also recorded on 25.02.2026 wherein the accused persons admitted having heard the evidence against them, however, denied any truth therein and pleaded themselves as innocent.*
- 8. Learned Additional Public Prosecutor in his oral arguments submitted that the case is on the one hand well proved and there is injury report on the record which could not be avoided to be considered. In the last, learned Additional Public Prosecutor prayed for conviction.*

9. *In counter force, learned counsel for the defense stoutly opposed the submissions and arguments of the prosecution on the ground that the prosecution could very hardly examine only one witness, who is son of the informant, hence his evidence is not trustworthy. Apart from the above witness the prosecution could not bring even a single witness to prove its case. In this situation, the accused may be acquitted.*

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

11. *Conclusion :-*

*It is settled cannon of law that for bringing the accused to guilt the prosecution must prove the case beyond reasonable doubt. Herein, the prosecution examined only one witness, who is interested witness as he is son of the informant.*

*The prosecution has not examined any other witness apart from the above witness. Even, the informant has not appeared in the witness-box to depose. The prosecution has neither examined the Investigating Officer nor the injury report is proved. The prosecution even could not prove any injury report on record. In this situation, in the opinion of this court the prosecution has utterly failed to prove the guilt of the accused, resultantly the above named accused are acquitted of*

*the charges levelled against them. Since, the accused named above 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- 25.03.2026***

*This judgment contains nine pages, all are signed by me.*

***Satya Bhushan Arya  
Sessions Judge, Banka  
Dated- 25.03.2026***

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