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In the Court of Sri Kumar Amit Manu
A.S.J-I-cum- Spl. Judge S.C/S.T (P.O.A)Act, Banka
District- Banka(Bihar)
G.R. Case No.-1302/2013
State of Bihar vs Amrendra Yadav and ors.

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I, BANKA Present:- Sri Kumar Amit Manu, Additional Sessions Judge-I, cum- Spl. Judge S.C/S.T (P.O.A)Act, Banka [Date of Judgment:-27-04-2026] [G.R. Case No. -1302/2013] F.I.R. No.:-26/2013 Crime:- Under Sections 147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act. Police Station:- Banka S.C./S.T, Banka	
INFORMANT	Arbind Das, s/o- Late Chhedi Das, vill- Kushmaha, P.S.- Bounsi, Dist.- Banka
REPRESENTED BY	Sri Shankar Nutan Lal (Ld. Spl. P.P.)
ACCUSED	1. Amrendra Yadav, S/o- Late Bhubneshwar Yadav, vill- Jabra, P.S- Bounsi, Dist.- Banka, aged bout 50 years. (Hereinafter he will be referred as A-1) 2. Rupesh Yadav, s/o-Narayan Yadav, Vill- Jabra, P.S- Bounsi, Dist- Banka, aged about 38 years. (Hereinafter he will be referred as A-2) 3. Jai Prakash Yadav, s/o-Late Harimohan Yadav, Vill- Kushmaha, P.S- Bounsi, Dist- Banka, aged about 70 years. (Hereinafter he will be referred as A-3) 4. Narayan Yadav, s/o-Late Indu Bhushan Yadav, Vill- Jabra, P.S- Bounsi, Dist- Banka, aged about 65 years. (Hereinafter he will be referred as A-4) 5. Doran Yadav, s/o- Late Kailash Yadav, Vill- Jabra, P.S- Bounsi, Dist- Banka, aged about 55 years. (Hereinafter he will be referred as A-5) 6. Mahesh Yadav, s/o- Late Kaleshwar Yadav, Vill- Kushmaha, P.S- Bounsi, Dist- Banka, aged about 51 years. (Hereinafter he will be referred as A-6)
REPRESENTED BY	Sri Anand Deo Choudhary, (Ld. Adv.)

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FORM B

Date of Offence	23.07.2013
Date of F.I.R.	02.08.2013
Date of Chargesheet	28.02.2014
Date of Framing of Charges	22.06.2015
Date of commencement of evidence	26.06.2023
Date on which judgment is reserve	23.04.2026
Date of the Judgment	27.04.2026
Date of the Sentencing Order, if any	

Accused Details

Rank of the 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	Amrendra Yadav	N.A	24.05.14	147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.	Acquitted	N.A	N.A
2	Rupesh Yadav	N.A	24.05.14	147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.	Acquitted	N.A	N.A
3	Jai Prakash Yadav	N.A	24.05.14	147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.	Acquitted	N.A	N.A
4	Narayan Yadav	N.A	24.05.14	147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.	Acquitted	N.A	N.A

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5	Doran Yadav	N.A	24.05.14	147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.	Acquitted	N.A	N.A
6	Mahesh Yadav	N.A	24.05.14	147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.	Acquitted	N.A	N.A

FORM C
LIST OF PROSECUTION/DEFENCE/COURT WITNESS
A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
PW 1	Arbind Harijan Das	Informant
PW 2	Fudni Devi	Victim

B. Defene Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
NIL	Nil	

C. Court Witness, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS
A. Prosecution

Sr. No.	Exhibit Number	Description
1	Nil	

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	

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C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Nil	

D. Material Objects

Sr. No.	Material Object Number	Description
1	Nil	

J U D G M E N T

- 1.** The above named all accused persons stands charge under sections of 147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act.
- 2.** The FIR is based upon written statement filed by informant namely Arbind Das, in which it is stated that on 23.07.2013 at about 08-09 O'clock, accused persons namely Amrendra Yadav, Narayan Yadav, Rupesh Yadav after hatching conspiracy took the informant to Bounsi, where other accused persons namely Jai Prakash Yadav, Doran Yadav and other accused persons were present there. The accused persons were abusing and assaulting the informant. Accused Amrendra Yadav assaulted the informant on his head with intention to kill him, and due to that assault his head got broken and he became unconscious. The accused persons were demanding Rs. Forty thousand as extortion. On noise the people gathered over there. Thereafter the informant lodged this case.
- 3.** On the basis of written statement, Police investigated the case. After investigation Investigating Officer submitted the charge-sheet under section 341, 323, 504/34 of IPC & 3(i)(x)of S.C./S.T. Act on 28.02.2014 against accused persons and subsequently cognizance of the offence was taken and the accused persons were summoned to face the trial.
- 4.** On 22.06.2015 Charges against accused persons under section 147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act. were framed and were read over to the accused persons to which they pleaded not guilty and claimed to be tried.

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5. On 20.06.2025 statement of accused persons has been recorded under section 313 of Cr.P.C in which he denied the case of the prosecution and claimed to be innocent.

6. Defence case in brief is denial of the entire occurrence and innocence of the accused person.

7. Now, The point for determination arises as to whether prosecution has been able to bring home the guilt of the accused person beyond the shadow of reasonable doubts?

FINDINGS

8. In order to prove its case, the prosecution has examined two witnesses in this case namely:-

PW-1 Arbind Harijan Das,
PW-2 Fudni Devi.

The prosecution has not produced any documentary evidence in its favour.

9. The defence has neither adduced any oral evidence nor documentary evidence in this case.

10. Now, coming to the evidence of the prosecution witness:-

PW1-Arbind harizan Das, has submitted in his examination in chief that on , the 23rd of July, 2013, at about 8:00 to 9:00 a.m., the occurrence took place. Prior to the incident, accused persons, namely, Amrech Yadav, Narayan Yadav, Rupesh Yadav, and their associates, had been persistently demanding a sum of ₹40,000/- from me by way of extortion. As I was unable to satisfy their unlawful demand, they had earlier intercepted and apprehended me, though I somehow managed to escape on that occasion. On the date of occurrence, the aforesaid accused, along with others, forcibly entered my house, caught hold of me by the collar, and took me towards Bounsi. Thereafter, Amrech Yadav, Jaiprakash Yadav, Doran Yadav, Mahesh Yadav, and about five to six other persons, whose faces I can identify though I do not know their names, jointly dragged me to a secluded place at some distance from Bounsi, near a dense mango

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grove, with the clear intention of committing my murder. During the occurrence, Amrendra Yadav abused me by referring to my caste in filthy and derogatory language, saying, in substance, that "this Chamar has become too daring" and would not pay the demanded money. Thereafter, Rupesh Yadav forcibly removed ₹10/- from my pocket and also took away a small matchbox from another pocket. He then exhorted the others to strip me naked and set me on fire. Acting upon such exhortation, the accused persons forcibly removed my clothes and made me naked. At that very moment, a police vehicle happened to be approaching from the side of the Block office. Taking advantage of the situation, I raised an alarm. Upon hearing my cries, the police personnel arrived at the spot, rescued me from the clutches of the accused persons, and brought me to Bounsi Police Station. All the accused persons present at the spot were apprehended by the police. I was kept at the police station till evening. Thereafter, some political persons, including local MPs/MLAs, came to the police station. Late in the night, the police officer-in-charge attempted to persuade me to compromise the matter, stating in effect that the incident had already occurred and that the dispute should now be settled amicably. Despite remaining at the police station throughout the night, my First Information Report was not registered. Subsequently, officials from the Scheduled Caste and Scheduled Tribe Department arrived at the police station. They recorded my statement, whereafter the present case was formally instituted. During the assault, accused Amrech Yadav struck me on the right side of my head with an iron rod with the intention to kill me, causing a bleeding injury and splitting open my scalp. Thereafter, the police visited my residence and recorded the statements of the other witnesses. The accused persons namely Jaiprakash Yadav, Doran Yadav, and Mahesh Yadav, who are present in Court today, are correctly identified by me. I further state that I can identify the remaining accused persons upon seeing them.

In his cross examination he has submitted that it is true that the village of the accused persons is situated at a distance of about 3 kilometers from my house. Their village is Jagda. I do not own or cultivate any agricultural land in village Jagda. It is true that I used to work as a kerosene dealer. The accused persons also belong to village Jagda. I had been functioning as a government kerosene dealer since 1990. At present, I am no longer a dealer. My shop has remained

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closed for the last 4-5 years. It is not true that any competent authority ever initiated any case against me or that my licence was cancelled. I closed the shop voluntarily. It is not true that my shop was closed down by the authorities. I had no monetary dealings with any of the accused persons from village Jagda. Nor did I have any financial transaction with any of their relatives. None of these persons had ever submitted any application before any authority seeking cancellation of my licence. There was a dispute relating to the *mukhia* election. Before the present occurrence, the accused persons had demanded money from me. They had demanded it on three occasions. About 10-15 days prior to the occurrence, they first made the demand, though I do not remember the exact date. When I was taken away from my house, I had ₹10 in my pocket. The case was instituted 9-10 days after the occurrence. It was registered at the Scheduled Caste and Scheduled Tribe Police Station, Banka. I had submitted a written application for registration of the case. On the day following the submission of the application, my statement was recorded. My subsequent statement was oral and was recorded at my residence. The occurrence took place outside Bounsi Bazaar, at a secluded place. Apart from me and the accused persons, no one else was present there. I received treatment from a private doctor in the village. I did not get myself examined by any government doctor. There was a dispute regarding the issue of "Rangdari" (extortion money). I did not pay any money. I had no other dispute with the accused persons. It is correct that in both my written complaint and oral statement, I had stated that Amresh Yadav said, "Beat the bastard so much that he dies; then he will pay the extortion money." It is also true that Rupesh Yadav said, "Strip the bastard Amarchand Kumar naked," and accordingly they stripped me naked. Initially, I had submitted a complaint at Bounsi Police Station, but after an attempt was made to settle the matter through compromise, I withdrew it. Thereafter, I submitted a second complaint before the Scheduled Caste and Scheduled Tribe Police Station at Banka. In this case, I had once filed a *sulahnama* (compromise petition) under pressure from Amresh. At that time, I did not have any lawyer. The compromise petition did not bear the signature of any P.A. (Pairvikar/advocate's clerk) on my behalf. I did not file any objection against that compromise petition anywhere. It is not true that, due to the dirty politics prevailing in the village, I have falsely implicated the

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accused persons. It is also not true that no such occurrence ever took place.

PW2-Fudni Devi, Wife of PW1 has submitted in her examination in chief that The witness deposed that the occurrence took place about seven years ago at around 8:00 a.m., when she was present at her house. On that day, Dharmendra Yadav, Prakash Yadav, Doran Yadav, and about four other persons, making a total of seven accused, came to her house, assaulted her husband, demanded money from him, and threatened to kill him. Thereafter, all the accused persons forcibly took her husband to Bounsi Police Station. She further stated that she too was assaulted and abused by the accused persons. In Court, she identified one of the accused as Ravindra and stated that another accused disclosed his name as Amrendra Kumar Nirala; she further asserted that she would be able to identify the remaining accused upon seeing them.

During cross-examination, she admitted that there exists a land dispute between her family and the accused persons, and alleged that the accused are forcibly cultivating and possessing the disputed land. She further admitted that no civil or other legal proceeding has been instituted by her for recovery of possession or eviction. She stated that the present case was lodged by her husband at the police station and that she did not accompany him at the time of lodging the case. She also stated that the police did not examine her during investigation and that she has appeared before the Court in response to summons. She further deposed that she had received medical treatment at Bounsi Hospital and could produce the relevant medical records, if so required. Here is the extracted Hindi text translated into a single English paragraph. It is not the case that I did not receive treatment and that I cannot submit any documents; he was demanding money for land, but I cannot provide the details of the land; and it is not the case that my husband filed a false case due to a land dispute, that I am giving false testimony to help my husband, and that the accused did not commit any such incident.

ARGUMENTS

11. During the argument the Ld. Defence Counsel argued two witnesses have been examined by the prosecution and both have

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stated different place of occurrence. The witnesses who has been produced by the prosecution are highly interested as there is land dispute between the parties. Not a single independent witness examined by the prosecution.

12. Ld. Spl.P.P. Sri Shankar Nutan Lal, submitted that all prosecution witnesses have supported the prosecution case. Though all witnesses have not been produced but quality of evidence is more important than quantity of witness.

DISCUSSIONS

13. From perusal of the record and the evidences available on the record it is clear that the charges has been framed u/s 147, 323, 504 of IPC & 3(i)(x) of S.C./S.T. Act.

14. Section 3(i)(x) of S.C./S.T. Act read as under:- whoever, not being a member of a Scheduled Caste or a Scheduled Tribe. (x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view.

From a reading of the above provision of the SC & ST Act, it would be evident that the basic ingredients for constituting the offence are as under:

- (a) there should be intentional insult or intimidation by a person, who is not a member o Scheduled Caste and Scheduled Tribe;
- (b) the insult must be with intent to humiliate the member of S.C/S.T
- (c) the incident must be occur in any place withing the public view.

Accordingly, upon a careful appraisal of the evidence on record, this Court finds that there is material contradiction in the statement of both the parties. The testimony of PW-1, though alleging a serious occurrence, suffers from material inconsistencies and remains uncorroborated by independent evidence. PW-2, the wife of PW-1, has also not fully supported the prosecution case in material particulars. Significantly, there is a clear contradiction between the versions of PW-1 and PW-2 regarding the place of occurrence: while PW-1 has stated that he was taken to a secluded place outside Bounsi Bazaar near a mango grove, PW-2 has deposed that the accused took place when she was in her house. This discrepancy goes to the root of the prosecution case and creates serious doubt regarding the manner

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and place of occurrence.PW1/ PW2 have not whispered a single word on outraging of modesty of women.

Further, the Investigating Officer has not been examined. As a result, the prosecution has failed to prove the place of occurrence and the non-examination of the Investigating Officer has caused substantial prejudice to the defence, particularly in confronting the witnesses with their previous statements and in clarifying the material contradictions appearing on record. Moreover, as per evidence of PW1, the occurrence took place at a secluded place hence provision of SC and ST act , is not applicavable.

In criminal jurisprudence, the burden lies squarely upon the prosecution to prove its case beyond reasonable doubt. Where material contradictions exist, corroborative evidence is lacking, and the place of occurrence remains unproved, the accused are entitled to the benefit of doubt.

So, considering the above said discussions the prosecution has failed to prove the charges levelled against the accused persons u/s 147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act., beyond all shadow of reasonable doubt. Hence the Order.

ORDER

In the light of above said discussion the accused A-1, A-2, A-3, A-4, A-5 and A-6 namely **Amrendra Yadav, Rupesh Yadav, Jai Prakash Yadav, Narayan Yadav, Doran Yadav and Mahesh Yadav**, are hereby acquitted from the charges leveled against them u/s 147, 323, 504 of IPC & 3(i)(x)of S.C./S.T. Act. They are already on bail. Hence they are also discharged from the liability of bail bonds.

File to be consigned to the record room.
(Dictated and after correction signed and then pronounced by me in the open court on this 27th April, 2026)

**(Kumar Amit Manu)
Addl. Sessions Judge-I
Banka.**

Dated-27.04.2026

**(Kumar Amit Manu)
Addl. Sessions Judge-I
Banka**

Dated-27.04.2026