

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
State Versus Suman Yadav & Ors.
Session Trial No. 207 of 2021
Date of Judgment : 21.05.2026

FORM A

IN THE COURT OF SESSIONS JUDGE, BANKA <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 21.05.2026</i> Session Trial No. 207 of 2021 <i>[Belhar (Khesar) Police Station Case No. 306 of 2018]</i> <i>Crime:- 341, 323, 307, 447, 504/34 of IPC</i>	
<i>Informant</i>	<i>Suresh Pandit son of late Fatuli Pandit, resident of village Gadi Rata, P.S. Belhar, district Banka</i>
<i>REPRESENTED BY</i>	<i>Sri Randhir Prasad Singh, A.P.P.</i>
<i>ACCUSED</i>	<i>1. Suman Yadav son of Bambam Yadav</i> <i>2. Sunandan Yadav son of Gunsagar Yadav</i> <i>3. Kunal Mandal son of Futeri Mandal</i> <i>All residents of village Gadi Rata P.S. Khesar, District Banka</i>
<i>REPRESENTED BY</i>	<i>Sri Ram Dular Yadav, Advocate</i>

FORM B

<i>Date of Offence</i>	<i>07.11.2018</i>
<i>Date of F.I.R.</i>	<i>08.11.2018</i>
<i>Date of Charge-sheet</i>	<i>24.10.2019</i>
<i>Date of Framing of Charges</i>	<i>10.04.2026</i>
<i>Date of commencement of evidence</i>	<i>23.04.2026</i>
<i>Date on which judgment is reserved</i>	<i>Nil</i>

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<i>Date of the Judgment</i>	<i>21.05.2026</i>
<i>Date of the Sentencing Order, if any</i>	<i>Nil</i>

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>
<i>1</i>	<i>Kunal Mandal</i>			<i>341, 323, 308, 447, 504, 506/34 of IPC</i>	<i>Acquitted</i>		
<i>2.</i>	<i>Shivji Yadav</i>			<i>341, 323, 308, 447, 504, 506/34 of IPC</i>	<i>Acquitted</i>		
<i>4.</i>	<i>Suman Yadav</i>			<i>341, 323, 308, 447, 504, 506/34 of IPC</i>	<i>Acquitted</i>		

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5.	Sunandan Yadav			341, 323, 308, 447, 504, 506/34 of IPC	Acquitted		
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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>Suresh Pandit</i>	<i>Informant</i>
<i>PW 2</i>	<i>Bateshwar Thakur</i>	<i>Hostile witness</i>
<i>PW3</i>	<i>Dashrath Pandit</i>	<i>Injured witness</i>
<i>PW4</i>	<i>Manchlal Pandit @ Ganesh Pandit</i>	<i>Hostile 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>	

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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>Exhibit No.-1</i>	<i>Signature of Suresh Pandit on written report</i>
<i>2.</i>	<i>Exhibit No.-1/1</i>	<i>Signature of Dharath Pandit on the written report</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>
<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

1. *The above named accused are facing trial before this court upon an FIR lodged under Sections 341, 323, 307, 447, 504/34 of IPC which is based upon an application filed by one Suresh Pandit with the allegations that on 07.11.2018, at about 09:00*

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pm, on the occasion of Diwali festival he with his family were lighting huka-pati at her door. All of sudden (i) Suman Yadav, (ii) Shivji Yadav, (iii) Sunandan, (iv) Kunal Mandal, came there and blew out clay lamps and candles. When he opposed, all of them started abusing. When he refused them from abusing, Shivji Yadav gave a blow of blackjack on his head with intent to kill, resultantly his head ruptured and blood started oozing. When his son Dasharath Pandit came to rescue, Suman Yadav gave a blow of blackjack on his head, resultantly his head also ruptured and blood started oozing. His daughter-in-law Rukmani Devi came to rescue, Shivji Yadav gave a blow of iron bucket, resultantly she also injured.

- 2. On the application, Belhar Police Station Case No. 306 of 2018, under Sections 341, 323, 307, 447, 504/34 of IPC was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed charge-sheet no. 64 of 2019, dated 24.10.2019, against accused persons named 1. Suman Yadav, 2. Kunal Mandal, 3. Shivji Yadav, 4. Sunandan Yadav, under sections 341, 323, 308, 447, 504/34 of IPC*
- 3. On 01.07.2020, 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 charge-sheeted accused under Sections 341, 323, 308, 447, 504, 506/34 of*

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IPC and committed the case to the Court of Sessions on 23.06.2021.

4. *On 10.04.2026, the proceeding against accused Shivji Yadav was dropped as he died and, further, charges were framed against rest the three accused persons under Sections 341, 323, 308, 447, 504, 506/34 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. Further, vide order dated*

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

***PW1** Suresh Pandit, appeared in the witness box and in his examination-in-chief stated that it is an incident of 6 to 7 years ago, at about 09:00 pm. It was the day of Diwali festival. He was in worships. Suman, Shivji, Sunandan and Kunal Mandal, came and blew out clay lamps and candles. When he refused to do so, all of them beaten him. After that he went to police station and gave a written application upon which he identified his signature, which is marked as Exhibit No.- 1. In the scuffle, he and his son sustained injury and both were treated in Fullidumar government hospital. He identified the accused persons who were present in the court. In cross-examination, the witness stated that it was the day of Diwali festival and there*

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were bursting firecrackers. In this time, they fell on the earth, resultantly he and his son sustained injury. He did not see and identify anyone who beat them. He stated that the written application given by him in the police station was not read over to him. He only signed it. He further stated that they have compromised in the matter. He has filed permission petition and compromise petition upon which he put his signature voluntarily. None of the accused either threatened him or beat him. The accused are his villagers, so he identified them. He has no complaint against the accused persons. He stated that his son lives in Punjab. He has no objection, if this case will be closed.

PW2 *Bateshwar Thakur, appeared in the witness box and in his examination-in-chief stated that his name is Bateshwar Thakur son of late Chocho Thakur. In the case diary and charge-sheet his name is Bateshwar Kumar and his father name is Chhochho Yadav. He outrightly denied having known anything about the incident. He stated that the police had not inquired from him. On the request of prosecution, the witness was declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining its own witness.*

PW3 *Dasharath Pandit, appeared in the witness box and in his examination-in-chief stated that it is an incident of 2018, at the day of Diwali festival, at about 7 to 8 pm. They were lighting hukka-pati. At that time, squabble took place. He and his father*

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Suresh Pandit sustained injuries. They were treated. He identified his signature on the written application, which is marked as Exhibit No. 1/1. He further stated that he identified witnesses Suresh Singh who died 3 years before. He identified all the accused persons who present before this Court. In the cross-examination, he stated that it was the day of Diwali and there were bursting firecrackers. During bursting firecrackers, in hustle and bustle he and his father fell on the earth, resultantly they sustained injuries. None of the accused beat them. He has no complaint against any of the accused persons. All the accused are his villagers, so he identifies them. He further stated that they have arrived at compromised. He put his signature on compromise petition. They have no objection if the case will be closed.

PW4 *Manchlal Pandit, appeared in the witness box and in his examination-in-chief outrightly denied having known anything about the incident. He stated that the police had not inquired from him. On the request of prosecution, this witness was declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining its own witness.*

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, bailable warrants, non-bailable warrants was exhausted but the*

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prosecution could not adduce any evidence. Ultimately, seeing no way, vide order dated 13.05.2026, the prosecution evidence was closed.

- 7. The statement under Section 313 of the CrPC was also recorded on 15.05.2026, 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 accused are monied and mighty persons and they have won over all the witnesses it cannot be denied that the informant and his son sustained injury on their heads and squabble took place inter se parties. In the last, he 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 four witness. The witness nos. 2 and 4 outrightly denied having known anything about the incident, whereas the witness nos. 1 and 3, who are injured witnesses and in their cross-examination they have specifically stated that they fell in the crowd and sustained injury, rather no one beat them and they have compromised in the matter. Apart from the above witness the prosecution could not bring even a single witness in support of its case. In this situation, the accused may be acquitted.*

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10. Heard rival submissions and perused the record.

11. Conclusion :-

In the gravamen, it has been alleged by the informant/complainant that he and his son were assaulted with blackjack. In support of the case of the prosecution, in total four witnesses have been examined. Prosecution witness no. 1, who is informant of this case and in his cross-examination, he himself stated that he fell in the crowd and sustained injury. He also admitted that he has compromised the matter and he could not see anyone to assault in the crowd. This cross-examination of the witness no. 1 is corroborated with cross-examination of witness no. 3, who is son of informant.

Prosecution witness no. 2 denied having known anything about the incident.

Similarly, the prosecution witness no. 4 also denied having known anything about the incident.

It is needless to mention here that the prosecution has to prove its case beyond reasonable doubt, but in this case, there is not even an iota of evidence to prove the guilt of accused.

As a sequel of above discussions, this court has come to the conclusion that the prosecution has utterly failed to prove the guilt of the accused beyond all reasonable doubts, resultantly the

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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- 21.05.2026

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

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 21.05.2026

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