

FORM – A

In the Court of Principal Sessions Judge, Begusarai. Present– Rishi Kant Date of Judgment-16.07.2026 S.T. Case No. 138/2020, C.I.S. No.-172/2020 (Details of FIR/Crime and Police Station <u>S.Kamal P.S. Case No. 255/2010</u>	
Informant	Babloo Pd. Yadav
Represented by	Sri Santosh Kumar, I/c P.P.
Accused persons	Bijen Yadav, Kanhaiya Yadav & Birbal Yadav.
Represented by	Sri Rakesh Kumar, Ld. Advocate.

FORM – B

Date of offence	15.07.2007
Date of First Information Report	09.12.2010
Date of Charge-Sheet	31.01.2011
Date of Framing of Charge	18.02.2022
Date of Commencement of Evidence	05.04.2022
Date on which Judgment is reserved	10.07.2026
Date of Judgment	16.07.2026
Date of sentencing Order, if any	N.A.

Accused Persons Details

Rank of Accused	Name of Accused	Date of Arrest	Offence charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 468 of B.N.S.S.
A1	Birbal Yadav, S/o Bijen Yadav, R/o vill. Raghunathpur, P.S. S.Kamal, Distt. Begusarai		U/s- 307/34,341/34,323/34, 504/34 of IPC.	Acquitted	N.A.	
A2	Bijen Yadav, S/o Late Pahari Yadav, R/o vill. Raghunathpur, P.S. S.Kamal, Distt. Begusarai		U/s- 307/34,341/34,323/34, 504/34 of IPC.	Acquitted	N.A.	
A3	Kanhaiya Yadav, S/o Bijen Yadav, R/o vill. Raghunathpur, P.S. S.Kamal, Distt. Begusarai		U/s- 307/34,341/34,323/34, 504/34 of IPC.	Acquitted	N.A.	

J U D G E M E N T

1. The accused persons namely, Birbal Yadav, Bijen Yadav & Kanhaiya Yadav stand charge for committing offences punishable under Sections 307/34, 341/34, 323/34, 504/34 of IPC.

CASE OF THE PROSECUTION :-

2. The prosecution case is based on the complaint case of the informant namely, Babloo Pd. Yadav. The case in brief, is that on 15.7.2007 at about 8 A.M. informant was going to attend nature call. Accused Birbal Yadav told him near the gate of Angad Yadav to take food of his cattle. On raising objection, Birbal Yadav threatened him. Thereafter, accused Birbal Yadav ordered his associates to kill him. On this, Bijen Yadav gave rifle blow upon the head of informant due to which he sustained injury. On raising alarm, co-villagers were gathered and accused persons

fled away while fleeing, they threatened him to face dire consequences. He gave the written application before police but he has not registered the case. Thereafter, he gave written complaint before Dy.S.P. Ballia who also not taken any action. Thereafter, this case has been registered.

PROCEDURAL HISTORY

3. On the basis of the complaint of the informant namely, Babloo Pd. Yadav, the police registered S.Kamal P.S Case no. 255/2010, dated 09.12.2010 against the above named accused persons for the offences punishable U/s-307,342,325,323, 504/34 of IPC. After investigation, the police had submitted charge sheet no. 45/2011, dated 31.01.2011 before the court of Ld. CJM, Begusarai against the accused persons namely, Birbal Yadav, Bijen Yadav & Kanhaiya Yadav for the offences punishable U/s-341,342,323,307,504/34 of IPC.

4. The learned CJM, Begusarai took cognizance of the offence u/s-341,342,323,307,504/34 of IPC against the accused persons namely, Birbal Yadav, Bijen Yadav & Kanhaiya Yadav and after complying the section of 207 of Cr.PC., the case was committed to the court of Sessions and ultimately this case has been transferred and received in this court for trial and disposal in accordance with law.

CHARGE

5. After the appearance of the accused persons namely, Birbal Yadav, Bijen Yadav & Kanhaiya Yadav, and upon hearing the learned Public Prosecutor for the State as well as the learned Advocate for the defence, charges under Sections 307/34, 341/34,323/34,504/34 of IPC were framed against them. The said charges were read over and explained to the accused persons in Hindi on 18.02.2022, to which they pleaded not guilty and claimed to be tried. The defence of the accused persons is one of simple denial of the allegations and a plea of false implication.

6. After completion of the prosecution evidence, statement of accused persons under sec. 351 of B.N.S.S. was recorded on 09.07.2026 to afford them an opportunity to explain the incriminating circumstances appearing against them in evidence. They denied the allegations and pleaded false implications.

POINT FOR DETERMINATION

7. Now, the point for determination by this court is that whether prosecution has been able to prove its case including the charges framed u/s-307/34, 341/34,323/34,504/34 of IPC against the accused persons namely, Birbal Yadav, Bijen Yadav & Kanhaiya Yadav, beyond the shadow of all reasonable doubts or not ?

EVIDENCE ADDUCED BY THE PARTIES

8. In order to prove its case, the prosecution has examined only one witness which is –

Prosecution Witness No.	Name of witness	Description
1	Visho Yadav	Other witness

9. Apart from oral evidences, prosecution has not adduced any documentary evidence in support of its case.

10. No oral or documentary evidence has been adduced on behalf of the accused in this case to rebut the charge levelled against them by the prosecution.

STATEMENT OF WITNESSES

11. P.W.1 is Visho Yadav. In his examination-in-chief, he stated that after hearing about the incident, he reached the place of occurrence and found that Babloo Yadav had sustained a head injury. He heard that Kanhaiya Yadav, Birbal Yadav and others had assaulted him. He stated that he knew his co-villagers, namely, Prabhu, Rambadan and Rambahadur, from whom he came to know about the incident. He further stated that Prabhu and Babloo had died. He identified accused Birbal Yadav, who was present in Court that day.

In his cross-examination, he stated that he did not remember the name of the person who had informed him about the incident. He further stated that his statement was not recorded by the police. He also stated that a compromise had been arrived at in the case. He identified the accused because he was his co-villager.

ARGUMENT BY THE PARTIES

12. Learned Public Prosecutor I/c submitted that the prosecution has examined the witness in support of its case. It is further submitted that the witness has specifically named the accused persons in his deposition and has identified one of the accused persons present in Court. Accordingly, it is prayed that the accused persons be convicted in accordance with law.

13. Learned counsel appearing on behalf of the accused persons submitted that the accused persons are innocent and have been falsely implicated in the present case. It is contended that the sole prosecution witness is admittedly not an eyewitness to the occurrence and his evidence is purely hearsay in nature. The witness has categorically stated that he came to know about the alleged occurrence from other villagers and that his statement was never recorded by the police. It is further submitted that no reliable and cogent evidence has been adduced by the prosecution to connect the accused persons with the alleged occurrence. Accordingly, it is prayed that the accused persons be acquitted of all the charges levelled against them.

DISCUSSION AND APPRECIATION OF EVIDENCE

14. I have carefully gone through the oral and documentary evidence available on record. In the present case, the prosecution has examined only one witness, namely, P.W.1 Visho Yadav.

15. P.W.1 has not witnessed the alleged occurrence. He has categorically stated that after hearing about the incident, he reached the place of occurrence and found that Babloo Yadav had sustained a head injury. He has further stated that he came to know about the incident from certain co-villagers. Thus, his evidence is purely hearsay in nature and is not based on his personal knowledge of the occurrence.

16. In his cross-examination, P.W.1 has admitted that he does not remember the name of the person who informed him about the incident. He has further stated that his statement was never recorded by the police. He has also admitted that a compromise has been arrived at between the parties. The witness has identified the accused only because he is his co-villager.

17. It is a settled principle of criminal jurisprudence that hearsay evidence cannot form the sole basis of conviction unless it is otherwise admissible in law. In the present case, there is no ocular evidence connecting the accused with the alleged occurrence. The prosecution has failed to examine any eyewitness or produce any other reliable evidence in support of its case.

18. In view of the foregoing discussions and findings, this Court is of the considered opinion that the prosecution has failed to prove the charges against the accused persons beyond all reasonable doubt. The sole prosecution witness examined during trial is admittedly not an eyewitness to the occurrence and his evidence is purely hearsay in nature. No reliable and cogent evidence has been brought on record to connect the accused persons with the alleged occurrence. Accordingly, the prosecution has failed to establish the charges under Sections 307/34, 341/34, 323/34 and 504/34 of the Indian Penal Code against the accused persons namely, Birbal Yadav, Bijen Yadav and Kanhaiya Yadav beyond all reasonable doubt. Hence, all the accused persons are hereby acquitted of the charges levelled against them by giving them the benefit of doubt.

ORDER

The accused persons namely, Birbal Yadav, Bijen Yadav and Kanhaiya Yadav are acquitted of the charges levelled against them under Sections 307/34, 341/34, 323/34 and 504/34 of the Indian Penal Code by giving them the benefit of doubt. The accused persons are on bail; hence, they are discharged from the liabilities of their bail/personal bonds and their sureties are also discharged accordingly, except for those furnished under Section 481 of the B.N.S.S.

Copy of judgment be also sent to District Magistrate, Begusarai.

File be consigned to record room within Prescribe time.

Announced in open court on 16th of July, 2026.

Dictated, Corrected and Signed by me.

Sd/-
(Rishi Kant)
Principal Sessions Judge, Begusarai
16.07.2026

Sd/-
(Rishi Kant)
Principal Sessions Judge, Begusarai
16.07.2026

LIST OF PROSECUTION WITNESS

Prosecution Witness No.	Name of witness	Description
1	Visho Yadav	Other witness

Sd/-
(Rishi Kant)
Principle Sessions Judge, Begusarai
16.07.2026

Date of Judgment / Order	16.07.2026
Date of Reserving Judgment / Order	10.07.2026
Uploading Date	17.07.2026
Uploaded by	Rahul Verma