

In The Court of Additional Chief Judicial Magistrate 1st, BIRAUL.

Present: Naresh Mahto

Date of the Judgment- Dated: 16th March 2026

G.R.- 102/2003

Reg. No.- 102/2003

FIR No- 32/2003 and Police Station-Kusheshwarsthan

**Informant- Khattar Yadav
REPRESENTED BY
Accused Persons**

**STATE OF BIHAR
Sri G.K.Singh (S.D.P.O.)
A1- Madan Yadav
A2- Satto Yadav
A3- Arun Yadav
A4- Ramashray Yadav @ Buruhu Yadav
A5- Vishnudeo Yadav @ Visho Yadav
A6- Umesh Yadav
A7- Hare Ram Yadav
A8- Ramu Yadav**

REPRESENTED BY

R.C.Yadav & A.K.Roy (Ld. Advocate)

Date of Offence	19-11-2002
Date of FIR	05-03-2003
Date of Charge Sheet	31-03-2003
Date of Cognizance	27-08-2003
Date of Framing of Charges	27-03-2017
Date of commencement of evidence	28-04-2017
Date on which Judgment is reserved	-----
Date of the Judgment	16-03-2026
Date of the Sentencing Order, if any	-----

Accused Details:

Rank of the Accused	Name of Accused	Date of Custody	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.
A1	Madan Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A2	Satto Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A3	Arun Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A4	Ramashray Yadav@ Buruhu Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A5	Bishnudeo Yadav @ Bisho Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A6	Umesh Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A7	Hareram Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		
A8	Ramu Yadav		27.03.2017	147,149,323,341 of IPC	Acquitted		

APPENDIX

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
A1		
A2		

● **Defence Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1		

● **Court Witnesses, if any:**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

● **Prosecution:**

Sr. No	Exhibit Number	Description
1		
2.		

● **Defence:**

Sr. No	Exhibit Number	Description
1		

● **Court Exhibits**

Sr. No	Exhibit Number	Description
1		

● **Material Objects:**

Sr. No	Material Object Number	Description
1		

In The Court of Additional Chief Judicial Magistrate 1st, BIRAUL.

G.R.- 102/2003

Reg. No.- 102/2003

Dated: 16th March 2026

In the Matter Of:

State (through informant- Khattar Yadav, S/o- Sri Budhu Yadav, resident of Village- Simraha, P.S.- Kusheshwarsthan, District - Darbhanga.

----- Prosecution.

Versus

1. Madan Yadav, S/o- Late Jamun Yadav, aged about 75 years,
2. Satto Yadav, S/o- Late Jamun Yadav, aged about 69 years,
3. Arun Yadav, S/o- Sri Madan Yadav, Aged about 46 Years,
4. Ramashray Yadav @ Buruhu Yadav, S/o- Late ram Swaroop Yadav, aged about 66 Years,
5. Bishundeo Yadav @ Bisho Yadav, S/o- Late Raudi Yadav, aged about 81 Years,
6. Umesh Yadav, S/o- Late Raudi Yadav, aged about 56 Years,
7. Hare Ram Yadav, S/o - Late Raudi Yadav, aged about 51 Years,
8. Ramu Yadav S/o-Late Sone Lal Yadav, aged about 76 Years,

(In course of trial Two accused person namely Jamun Yadav, S/o- Lakshmi Yadav and Vidya Sagar Yadav@ Bino Yadav, S/o- Late Raudi Yadav died on 14.09.2011 and 16-07-2014 the trial have been dropped against both deceased accused person vide order dated 27.03.2017)

All resident of Village- Simraha, P.S.- Kusheshwarsthan,, District- Darbhanga.

----- Accused Persons.

P.S.- Kusheshwarsthan P.S. Case No. 32/2003

Cognizance: 147, 149, 323, 341 of IPC Dated : 27-08-2003

Charge-framed: U/S- 147, 149, 323, 341 of IPC Dated :27.03.2017

Learned counsel for the State: Sri G.K. Singh (S.D.P.O.)

Learned counsel for Defence: Sri R. C.Yadav & A.K. Roy

**Present: Naresh Mahto,
ACJM 1st, Biraul**

JUDGEMENT

1.The substance of accusation have been explained to the above named accused persons for the offences under sections 147, 149, 323, 341 of IPC.

2.The factual matrix of the case runs as follow: (In short prosecution story)

That, the informant alleged that on the date and time of occurrence the complainant sells the buffalo's roams around the area. He was returning to his house after selling 10 para from Manshi Hat, Khagaria along with witness Gajendra Yadav, when he reached near Village-Simraha, P.S.- Kusheshwarsthan, District- Darbhanga, all the accused were already sitting there, accused No.1 Madan Yadav pointed a pistol at the chest of informant and said you bastard, give us whatever you have (Para) otherwise we will finish you. The complainant was stunned, on which all the accused started hitting the deceased with revolvers and said that if the informant loses, then they will take away Rs.21000/- which he was bringing after selling the said Para. Accused No.1 Madan Yadav and accused No.5 Ramashray Yadav and accused No.-6 Visho Yadav snatched about Rs.3000/- from the Witness No.1 Gajendra Yadav. Many people tried to intervene, but due to the terrifying sound the bomb and pistol of accused, they could not come near him. It is known that the accused is a criminal of the area, Hence this complaint filed.

3. On the basis of the written report of the complainant, the complaint 331c/2002 was filed before the Ld. S.D.J.M. Biraul at Benipur on 20.11.2002 thereafter the Ld. Court of S.D.J.M. Biraul Complaint petition of this petitioner has been sent to Kusheshwarsthan P.S. concerned for the purpose of F.I.R. Thereafter, the concerned PS lodged F.I.R. Bearing F.I.R. No. 32/2003 dated 05.03.2003 under sections 341, 323, 379/34 of I.P.C. Accordingly, the formal F.I.R. was drawn. It set the law in motion that resulted into the initiation of process of investigation. After completion of the same, the Police submitted the charge-sheet No.- 44/2003 dated 31.03.2003 against the above named accused persons for the offence under sections 323, 341, 504 Of IPC and the SDJM, Biraul took the cognizance against the accused persons for the offence under section 147, 149, 323, 341 Of IPC on 27.08.2003.

4. The substance of accusation have been explained to the accused persons for committing the offence punishable u/ss 147, 149, 323, 341 of IPC on dated 27.03.2017 to which they pleaded not guilty and claimed to be tried.

5. After prosecution evidence the accused persons statement were recording u/s 313 Cr.P.C. and they pleaded their innocence and have been falsely implicated in this case.

6. Now, the question for judgment before court is that whether the prosecution has been able to prove the charges leveled against the accused persons beyond the shadow of all reasonable doubts or not.

Findings:

7. In the course of trial prosecution has not produced any single witness in support of his case.

8. The substances of accusation have been explained to the accused persons on 27.03.2017 Thus altogether nine years of time have been given to the prosecution to produce their witnesses and prove his case. Court has made his all efforts and issued summon and BW, NBW against the witnesses but prosecution did not brought any of his

witnesses before the court no one turn up to support the prosecution case. The approach of the prosecution was lethargic from the beginning and hence even after the processes issued against the witnesses, no one bothered to comply it. Prosecution is duty bound to prove the charges beyond all reasonable doubts but nothing happened in this case. Sufficient time have been given to the prosecution but neither informant and nor any other witnesses turned up to support the prosecution case. Actually it is a case of no evidence and there is nothing on the record to discuss. Thus, in absence of the non examination of the informant, non examination of the IO and any other independent witnesses, cumulatively makes the prosecution case highly doubtful.

9. On the basis of the discussions made above, I found and accordingly hold that prosecution has failed to prove the charges leveled against the accused person beyond the shadow of all reasonable doubts.

Order

10. Accordingly the accused persons namely 1. Madan Yadav 2. Satto Yadav 3. Arun Yadav 4. Ramashraya Yadav @ Buruhu Yadav 5. Vishnudeo Yadav @ Bisho Yadav 6. Umesh Yadav 7. Hare ram Yadav and 8. Ramu Yadav facing trial in this case are hereby acquitted from the charges of offenses of section 147, 149, 323, 341 of IPC and their bailors are also discharged from the liabilities of their respective bail bonds.

11. This judgment has been written (Typed), corrected, dated, signed, sealed and pronounced by me in open court today Dated: 16th day of March, 2026

Dated: 16th March 2026

Typed and Corrected

[Naresh Mahto]
Additinal Chief Judicial Magistrate 1st
Sub-Divisional Court, Biraul.