

IN THE COURT OF DISTRICT & ADDITIONAL SESSION JUDGE-II
JAMUI

Session Trial No. 344/2022, CIS No. 344/2022
(Malaypur P.S case no.-88/2019)

Present :- Sudhir Sinha

Present:-

Sudhir Sinha

District & Addl. Sessions Judge-II
Jamui

Date of Judgment:- 28.04.2026

S.Tr. No.-344/2022

Police Station :- Malaypur

PS Case No. :- 88/2019

Under Section :- 147/148/149/341/323/307/354(B)/379/427/448/504/506 IPC

State (Through *Informant Kanchan Kumari*)

..... Prosecution.

V.

1. Mahesh Yadav, 2. Hari Yadav, 3. Pintu Yadav, 4. Manoj Yadav, 5. Jato Yadav
6. Deepak Yadav and 7. Shanti Devi

.....Accused Persons

Counsel for the State:-

Sh. Manoj Kumar Singh, Addl.P.P.

Counsel for the Defence:-

Sh. Ravindra Prasad, Advocate

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Date of Offence	17.10.2019
Date of F.I.R.	21.10.2019
Date of Framing of charge	07.07.2022
Date of commencement of evidence	15.07.2022
Date on which judgment is reserved	22.04.2026
Date of the judgment	28.04.2026
Date of the sentencing order, if any	--

Accused details:

Rank of the accused		
Name of the accused/ Date of arrest.	1. Mahesh Yadav 2. Hari Yadav 3. Pintu Yadav 4. Manoj Yadav 5. Jato Yadav 6. Deepak Yadav 7. Shanti Devi	Bail on surrender. Bail on surrender. Bail on surrender. Bail on surrender. Bail on surrender. Bail on surrender. Bail on surrender.
Date of release on bail	1. Mahesh Yadav 2. Hari Yadav 3. Pintu Yadav 4. Manoj Yadav 5. Jato Yadav 6. Deepak Yadav 7. Shanti Devi	06.02.2020 06.02.2020 06.02.2020 06.02.2020 06.02.2020 06.02.2020 06.02.2020
Offences Charged with	1. Mahesh Yadav 2. Hari Yadav 3. Pintu Yadav 4. Manoj Yadav 5. Jato Yadav 6. Deepak Yadav 7. Shanti Devi	147/148/337/427/341/323 /325/307/149/448/506 IPC

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Whether acquitted or convicted	1. Mahesh Yadav 2. Hari Yadav 3. Pintu Yadav 4. Manoj Yadav 5. Jato Yadav 6. Deepak Yadav 7. Shanti Devi	Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted
Sentence imposed	----	
Period of detention undergone during trial for purpose of Section 428 Cr.P.C.	1. Mahesh Yadav 2. Hari Yadav 3. Pintu Yadav 4. Manoj Yadav 5. Jato Yadav 6. Deepak Yadav 7. Shanti Devi	- - - - - - -

FORM C

A. Prosecution

Rank	Name	Nature of evidence
PW-1	Dr. Arvind Kumar	Medical Officer
PW-2	Meena Devi	Mother of Informant
PW-3	Ramni Devi	Grandmother of informant
PW-4	Anita Devi	Aunty of informant
PW-5	Naresh Yadav	Villager
PW-6	Kanchan Kumari	Informant
PW-7	Mantu Yadav	Father of informant

B. Defence witnesses, if any:

Rank	Name	Nature of evidence
DW-1	None	None

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C. Court witnesses, if any

Rank	Name	Nature of evidence
CW-1	None	None

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION:-

Sr.No.	Exhibit No.	Description
1.	Ext. P1	The injury report of Anjani Kumari
2.	Ext. P2	The injury report of Mantu Yadav
3.	Ext. P3	The injury report of Nishu Kumari
4.	Ext. P4	The injury report of Meena Devi
5.	Ext. P5	The injury report of Kanchan Kumari
6.	Ext. P6	The fardbyan
7	Ext P6/1	The signature of Mantu Yadav on fardbayan

B. DEFENCE:

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

C. Court Exhibit

Sr. No.	Exhibit No.	Description
1.	Nil	Nil

D. Material Objects:

Sr. No.	Material Object No.	Description
1.	Nil	Nil

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JUDGMENT

1. The seven accused persons 1. Mahesh Yadav, 2. Hari Yadav, 3. Pintu Yadav, 4. Manoj Yadav, 5. Jato Yadav 6. Deepak Yadav and 7. Shanti Devi stand tried for offences of forming an unlawful assembly and in furtherance of their common object voluntarily caused hurt to the informant Kanchan Kumari and her family, caused such injury to informant Kanchan Kumari, his mother, his sister and his father, pelting stone, bricks and assaulted by iron rod that will cause their death, provoked the breach of peace and also for threatening the informant and his family with death allegedly on 17.10.2019 at village Bariyarpur, PS-Malaypur, District-Jamui.
2. The prosecution case in brief is that on the basis of written information of Kanchan Kumari the Malaypur PS Case No.-88/19 dated 21.10.2019 was registered u/s- 147, 148, 149, 341, 323, 307, 354(B), 379, 427, 448, 504 and 506 IPC wherein she has stated that she was sitting at her door when suddenly all six accused persons, under common intention armed with iron rod, stone-bricks and lathi-danda came and started abusing her. Accused Mahesh Yadav told that her father had filed the case no. 25/2017 for outraging the modesty of a women. If he does not withdraw the case he will be taught a lesson. Thereafter he caught her and torn her cloths. When she started shouting, his father, mother and sister came and somehow saved her. She ran inside her house then all accused persons came behind her and demolished a wall. She hid in a room. They broke the door of said room and assaulted her, her mother, sister and father by iron rod, and bricks, causing serious injuries to them. On shouting villagers came to save her modesty as well as saved life of her family members. While leaving they snatched gold Mangalsutra from her mother.
3. The IO after investigation submitted the charge sheet no.-157/21 dated 31.08.2018 against seven accused persons consequent upon which

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cognizance was taken for offence u/s-147/ 148/ 149/ 341/ 323/ 325/ 307/ 337/ 427/448/504 /506 IPC and the record after commitment was received in this court styled as ST No.-394/22.

4. The charges against all seven accused persons were framed on 07.07.2022 u/s- 147/ 148/ 149/ 341/ 323/ 325/ 307/ 337/ 427/448/ 506 IPC to which they pleaded not guilty and claimed to be tried. The prosecution evidence was closed on 10.04.2026 and the statement of accused persons were recorded u/s 313 of the Cr.PC on 18.04.2026 wherein they denied the evidences against them and pleaded innocence. On the written submission of defence their evidence was closed and after hearing the arguments from both parties the record is today fixed for judgment.
5. The point for determination before this Court is whether the prosecution has proved the charges against the accused persons beyond all reasonable doubts?

FINDINGS

6. The prosecution in order to substantiate, prove its case and to nail the guilt of the accused persons has produced PW-1 Dr. Arvind Kumar, PW-2 Meena Devi, PW-3 Rammi Devi, PW-4 Anita Devi, PW-5 Naresh Yadav, PW-6 Kanchan Kumari and PW-7 Mantu Yadav. The injury report of Anjani Kumari is marked as Ext. P1. The injury report of Mantu Yadav is marked as Ext. P2. The injury report of Nishu Kumari is marked as Ext. P3. The injury report of Meena Devi is marked as Ext. P4. The injury report of Kanchan Kumari is marked as Ext. P5. The fardbyan is marked as P6. The signature of Mantu Yadav on fardbayan is marked as P6/1. The defence has not produced any evidence either oral or documentary in its support.
7. PW-5 Dr. Arvind Kumar has stated in his examination-in-chief that on 17.10.2019 he was posted at Sadar Hospital Jamui as MO. On that day at

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about 10.20 PM he examined 1. Anjani Kumari, D/o- Mantu Yadav, Vill-
Baryarpur, P.S-Malaypur, District-Jamui and found following injury:-

1- Abrasion and pain in left for arm.

2-Upper back pain.

3-Body pain.

Age of injury:- Within 03 hrs.

M.I.- A black till on left side chest.

X-ray left forearm AP and lateral

X-ray L.S. spine. AP lateral.

No any bony injury found.

Plate No.-18546 Symbol A.H. dt. 18.10.2019

Nature of injury:

All injury are simple in nature caused by some hard and blunt object.

This injury report has been prepared in his pen and signature. On his
identification the was marked as Ext. P1/PW1

2. On the same day at 10.30 PM he also examined Mantu Yadav S/o
Paro Yadav, Hindu, Male, Aged about 32 yrs. Village- Baryarpur, P.S.-
Malaypur, Distt.-Jamui and found following injuries :-

1- Pain and hard tender swelling in right arm and abrasion on right
arms 5" x 1"

2- Pain and hard tendar swelling in right upper back and abrasion
4" x 1"

3- Pain and hard tendar swelling in left upper back and abrasion
6" x 1"

4- Pain and swelling in right thigh

5- Chest pain.

6- Body pain.

Age of injury: Within 03 hrs.

M.I- A red mole on abdomen

X-ray right shoulder AP and lateral.

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X-ray right thigh

No any bony injury found.

X-ray chest A.P.

X-ray upper back A.P.

Show hair line fracture of right side 6 and 7 ribs.

X-ray abdomen AP

No any bony injury found Plate No. 18548 dated 18-10-19

Nature of injury:-

Injury No.-2 grievous in nature caused by some hard and blunt object and 3, 4, 5 & 6 simple in nature caused by some hard blunt object.

This injury report has been prepared in his pen and signature. On his identification the same was marked as Ext. P2/PW1

3. On the same day at 11.00 PM he also examined Nishu Kumari, D/o Mantu Yadav, Hindu, Female, Aged about 10 yrs. Village- Baryarpur, P.S.- Malaypur, Distt.-Jamui and found following injuries :-

1. Lacerated wound in parital region 3"x deep muscles touch to bone.
- 2.Body pain
3. Vomiting and giddiness.

Age of injury: Within 03 hrs.

M.I. A small black till on left cheek.

X-ray skull A.P. and Lat. show hair line fracture of parital region.

Plat No.-18545 dtd. 18-10-19

Nature of Injury- Injury No-1 grievous in nature caused by same hard and blunt object and Injury No. 1 simple in nature caused by some hard and blunt.

This injury report has been prepared in his pen and signature. On his identification the same was Ext. P3/PW-1

4. On the same day at 11.00 PM he also examined Meena Devi, W/o Mantu Yadav, Hindu, Female, Aged about 48 yrs. Village- Baryarpur, P.S.- Malaypur, Distt.-Jamui and found following injuries :-

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1. Lacerated wound in right side skull just above the right ear 1-5" x deep muscles.
2. Pain and swelling in right upper back.
3. Body pain.

Age of injury: Within 03 hrs.

M.I. A small black till on right side of abdomen.

X-ray skull A.P. and Lat. No any bony injury found. X-ray right upper back A.P. Show hair line fracture of right back of 6 ribs.

Plat No.-18547 dtd. 18-10-19

Nature of Injury:- Injury No.-2 grievous in nature caused by some hard and blunt object and injury no.-1 & 3 simple in nature caused by same hard and blunt.

This injury report has been prepared in his pen and signature. On his identification the same was marked as Ext. P4/PW1.

5. On the same day at 11.30 PM he also examined Kanchan Kumari, D/o Mantu Yadav, Hindu, Female, Aged about 12 yrs. Village- Baryarpur, P.S.- Malaypur, Distt.-Jamui and found following injuries :-

1. Pain and swelling in lower back.
- 2-Body pain.

Age of injury:- Within 03 hrs.

M.I. A small black till on left cheek.

Nature of injury- All injury are simple in nature caused by same hard and blunt object.

This injury report has been prepared in his pen and signature. On his identification the same was marked as Ext. P5/PW-1.

8. During cross-examination he has stated that regarding injury of Anjali Kumri injury no. 1 may be caused due to fall and injury no. 2 & 3 may be caused due to suddenly twisting of body. During cross in para 3 he has stated that regarding injury of Mantu Yadav such injury may be caused due to fall. In para 4 he has stated that regarding injury of Nishu Kumari injury no 1 may

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be caused due to fall on hard surface. He has not mentioned blood clotting in injury No. 1. Not a single hair was found on injury no. 1. Such injury may be occurred naturally. During cross in para 5 he has stated that regarding injury of Meena Devi such injury may be caused by falling on side of face. Injury no. 2 and 3 may be caused suddenly twisting of body. In para 6 he has stated that such injury may be caused due to twisting of body. Injury no. 1 and 2 may be caused due to change of whether. Lastly during suggestion in para-9 he has denied that his injury report is a tabled report.

9. PW-2 Meena Devi who is mother of informant of this case has stated in her examination-in-chief that the incident occurred 6 years ago at 7-8 PM in the evening. She was at her house suddenly Hari Yadav, Mahesh Yadav, Pintu Yadav, Jato Yadav and Shanti devi came and entered into her house and assaulted her family members. Mahesh having rod, Hari having stick, Pintu having stick, Jato having stones, Shanti devi having stones in their hands. Mahesh molested her daughter Kanchan Kumari, chased and beat her and torn her cloths. Kanchan sustained grievous injuries at her arm, leg and back. When she went to save her, they assaulted her, her husband, Mantu and Nishu. Nishu and her head were fractured. It started bleeding. All the injured persons were admitted at Sadar Hospital, Jamui where they were treated. Police came at hospital and recorded the statement of Kanchan Kumari upon which this case was registered. Injured persons were hospitalized for 2-3 days. After that they were discharged from hospital and continued taking medicine and injection. The Doctor examined them and reported. The witness identified the accused Mahesh Yadav present before the court and claimed to identify others upon seeing them.

10. During cross-examination she has stated in para-27 that due to fall they sustained injury. In para-28 she has stated that the compromise has been effected in this case. There has been counter case as ST no. 114/2023 in which also there is compromise between both parties. She shall not have any objection if the case is disposed off in the light of compromise. Lastly in

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para-29 she has stated to have deposed voluntarily without any fear or coercion.

11. PW-3 Ramni Devi, has stated in her examination-in-chief that the incident occurred 6 years ago at 7 PM in the evening. She was at her house. Mahesh Yadav came and assaulted her grand daughter Kanchan Devi. He threw her on ground and torn her cloths and told to withdraw the previous case otherwise he will teach what is molestation. The accused repeatedly assaulted her, and threw on ground, and was taking away for molestation forcibly. She and daughter-in-law Meena Devi came to save her. The accused persons Hari Yadav, Deepak Yadav, Mahesh Yadav, Manoj Yadav, Pintu Yadav, Jato Yadav, and Shanti Devi, entered into her house and assaulted Meena Devi, Nishu Kumari, Mantu Yadav, Kanchan and herself. Mahesh Yadav snatched gold chain weighing 8 bhar from her daughter in law Meena devi. All the injured were treated upon at Sadar Hospital, Jamui. The witness identified the accused Hari Yadav present before the Court and claimed to identify others upon seeing them.

12. During cross-examination she has stated in para-27 that due to fall they sustained injury. In para-28 she has stated that the compromise has been done in this case. There has been filed counter case as ST no. 114/2023 in which also there is compromise between both parties. She shall not have any objection if the case is disposed off in the light of compromise. Lastly in para-29 she has stated to have deposed voluntarily without any fear or coercion.

13. PW-4 Anita Devi has stated in her examination-in-chief that the incident occurred 6 years ago at about 7:00 pm in the evening. She was outside the house. The accused Hari Yadav, Deepak Yadav, Mahesh Yadav, Manoj Yadav, Pintu Yadav, Shanti Devi, Jato Yadav molested Kanchan Kumari. They abused her and assaulted her. The accused persons torn Kanchan Devi's clothes and also assaulted at her head and told her to withdraw previous case. The accused snatched Meena Devi's mangalsutra and

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beaten her. Nisu, Suraj, Dheeraj and all family members were also assaulted by the accused persons. All the injured were treated upon at Sadar Hospital Jamui. The witness identified the accused Hari Yadav present before the Court and claimed to identify others upon seeing them.

14. During cross-examination she has stated in para 13 that she sustained injury due to fall. There has been a compromise with all the accused persons. The accused has filed a counter case against informant in which the case was compromised. The Gold Mangalsutra of Meena Devi was lost at her house which was found later on. Lastly in para 16 she has stated to have deposed voluntarily without any fear or coercion.

15. PW-5 Naresh Yadav has stated in his examination-in-chief that the incident occurred seven years ago at about 7:00 hours in the evening. He was at his cowshed (Bathan). He returned house from the bathan and climbed on the roof. Kanchan Devi was running from her house, Mahesh Yadav was running behind her. Mahesh Yadav assaulted Kanchan Devi with two sticks at near his house. He opposed that they don't fight near his house. After that they went away from there.

16. During cross-examination he has stated in para 12 that he sustained injury due to fall. There has been a compromise with all the accused persons. The accused has filed a counter case against informant in which the case has also been compromised. The Gold Mangalsutra of Meena Devi was lost at her house which was found later on. In para 15 he has stated to have deposed voluntarily without any fear or coercion. Lastly in para 16 he has stated that if the case is disposed off he will have no any objection.

17. PW-5 Kanchan Kumari who is informant of this case has stated in her examination-in-chief that the incident occurred 6 years ago at about 6-7 hours in the evening. She was at her home. At that time Mahesh Yadav, Hari, Jato, Pintu, Deepak, Manoj, Shanti came and an altercation took place with them. In course of altercation she sustained injury. Meena Devi, Anjani and Neesu Kumari were in her house. They also sustained injuries. All the injured

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persons were treated upon at Government Hospital Jamui. The police came at hospital and her statement was recorded, upon which she had signed. On her identification the same marked as Ext. P2/PW-6. Her father Mantu Yadav had also signed on the written statement, on her identification it was marked as Ext. P2/1/PW6. She has identified the accused Mahesh present before the Court.

18. During cross-examination she has stated that at present there is cordial relation with accused persons. There has been a compromise with all the accused persons. In para 4 she has stated that police had taken her signature on blank paper, it was not read over to her. She identified the accused Mahesh as being her villager. Lastly in para 6 she has stated to have deposed voluntarily without any fear or coercion.

19. PW-7 Mantu Yadav he has stated in his examination-in-chief that the incident occurred 6-7 years ago at about 6-7 hours in the evening. At that time his daughter Kanchan, Anjani, Nishu and wife Meena Devi were along with him. In the mean time an altercation took place with Mahesh Yadav, Hari Yadav, Jato, Pintu Deepak, Manoj and Shanti. In course of altercation he, his wife, and his three daughters sustained injuries. All injured persons treated upon at Government Hospital, Jamui. The police came at the hospital and recorded the statement of his daughter upon which he had also signed.

20. During cross-examination he has stated that they sustained such injury due to fall. During cross in para 4 he has stated that there has been counter case no. 114/2023 filed against him in which the case has been compromised. Lastly in para 5 he has stated to have deposed voluntarily without any fear or coercion.

21. The accused persons have completely denied the evidences against them in their statement under section 313 of the Cr.P.C and have pleaded innocence. Before proceeding further the court finds that informant of this case has filed a compromise with all the accused persons which is on record.

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The compromise bears the signature of the informant, the injured and all 7 accused persons duly identified by their respective counsels.

22. The accused persons in this case are facing prosecution for offence u/s 147/148/149/341/323/325/307/337/427/448/506 of the IPC which are all except 147/148/307 IPC are compoundable in nature as per provision u/s-320 of the Cr.P.C. As the compromise is found to be proper and in order the same is accepted and the offences u/s-341/323/325/337/427/448/506/149 IPC accordingly stand compounded. The offence u/s-307/149 IPC are not compoundable in nature and hence shall be decided on merit. It is clear from the FIR that all the seven accused assaulted informant and her family with iron rod, lathi danda, bricks and stick, causing serious injury. It is further clear from the testimony of PW-6 informant that there is a cordial relation with all accused persons. There has been a compromise with all accused persons. During cross she has stated that her signature taken on blank paper by police. There is case and counter case. The occurrence as per the informant and injured have now been settled between the both parties. Likewise PW-2, PW-3, PW-4, PW-5 PW-7 who are injured in this case to have stated before the Court that they sustained injury due to fall. The Doctor is not an eye-witness of the fact and merely opines about the nature and cause of injury. The assembly of five or more persons with deadly weapons at the PO is not proved beyond doubt. There is no other witnesses in this case. The prosecution has not produced the I.O despite being given ample opportunity to produce the witnesses. The court does not find materials sufficient to nail the guilt of the accused persons for the commission of the offence charged u/s 147/148/307/149 IPC in this case. The essential ingredients of the offence of forming an unlawful assembly armed with deadly weapon and in furtherance of their common object attempted to murder the informant and her family members does not stand fulfilled. The prosecution has not been able to prove the charge against the accused persons who are accordingly held not guilty of the offence charged u/s-147/148/307/149 of the IPC.

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ORDER

23. The accused 1. Manoj Yadav son of Hari Yadav, 2. Pintu Yadav son of Hari Yadav 3. Mahesh Yadav son of Late Murari Yadav and 4. Hari Yadav son of Late Murari Yadav, 5. Deepak Yadav son of Hari Yadav, 6. Jato Yadav son of Hari Yadav and 7. Shanti Devi wife of Hari Yadav all residents of Bariyarpur, PS- Malaypur, District-Jamui are hereby acquitted of charges u/s- 341/323/325/337/427/448/506/149 of IPC on the basis of compounding of the offences as per provision u/s-320(8) of old Cr.P.C and are also acquitted of charge u/s- 147/148/307/149 IPC as the prosecution could not prove the same. The accused persons are on bail, hence are discharged from the liabilities of their bail bonds. However in terms of Section 437(A) Cr.P.C. all seven accused persons are directed to furnish personal bond in the sum of Rs. 10,000/- Pursuant to compliance of Section 437(A) Cr.P.C. the file be consigned to the Record Room.

Dictated, corrected, signed and pronounced by me in the open Court.

(Sudhir Sinha)
Dist. & Addl. Sessions Judge-II
Jamui.
28.04.2025

(Sudhir Sinha)
Dist. & Addl. Sessions Judge-II
Jamui.
28.04.2026

Date of Judgment/Order	28.04.2026
Date of Reserving/Order	22.04.2026
Uploading Date	28.04.2026
Uploaded by	Ankit Raj, Court Reader cum D.W