

FORM-A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI	
Present: Manoranjan Kumar Jha, A.S.J.-VI	
Date of Judgement : 19.06.2026	
SESSIONS TRIAL No. 520/2023	
Laxmipur P.S. Case No.- 256/2019	
U/ss- 341/34, 323/34, 308/34, 504/34 of IPC	
Complainant/Informant	Shambhu Yadav
Represented by	Sri Benu Mandal, Ld. Addl. P.P.
Accused	1. Surendra Prasad Yadav @ Surendra Yadav & 2. Ramdhani Yadav
Represented by	Sri Rambilash Yadav, Ld. Advocate

FORM-B

Date of offence	15.07.2019
Date of FIR	15.07.2019
Date of Charge Sheet	16.07.2020
Date of framing of charges	02.05.2025
Date of commencement of evidence	02.06.2025
Date of Judgement	19.06.2026
Date of the sentencing order, if any	N.A.

ACCUSED DETAILS

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with u/s	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
01.	Surendra Prasad Yadav @			U/ss- 341/34, 323/34,	Acquitted	N.A.	N.A.

	Surendra Yadav			308/34, 504/34 of IPC			
02	Ramdhani Yadav			U/ss- 341/34, 323/34, 308/34, 504/34 of IPC	Acquitted	N.A.	N.A.

FORM-C**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A- Prosecution**

RANK	NAME	NATURE OF EVIDENCE
PW-1	Nunbatiya Devi	Prosecution witness
PW-2	Shambhu Yadav	Prosecution witness

B- Defence Witness - Nil**C- Court Witness** -Nil**LIST OF PROSECUTION/ DEFENCE/COURT EXHIBITS****A- Prosecution Exhibit-**

Sl. No.	Exhibit No.	Type of Exhibit
1.	P-1/PW-2	Signature on written petition.

B- Defence Exhibit -Nil**J U D G E M E N T**

- The accused persons, namely, **1. Surendra Prasad Yadav @ Surendra Yadav & 2. Ramdhani Yadav** are facing trial for the offence punishable under sections **341/34, 323/34, 308/34, 504/34 of IPC**. The charges have been read over and explained to the accused persons in Hindi to which they did not plead guilty and claimed to be tried.
- The prosecution case, in brevity, is that on 15.07.2019 at about 01:00 p.m., when the informant-Shambhu Yadav and his son Nanad Kumar returned home after treatment from Jinhara then the accused namely Rabindra Kumar Yadav, Surendra Yadav, Devendra Yadav, Ramdhani Yadav and Savatri Devi started abusing them and on protest the accused persons assaulted the informant with iron-rod and thereby caused injury. It is also alleged when the wife of informant came to save him, then the accused even assaulted her.
- On the basis of written report, a case being Laxmipur P.S. Case No.- 256/2019, dated 15.07.2019 was registered under Sections **143, 341, 323, 308, 504, 34 of**

IPC against the accused. After completion of investigation police submitted charge-sheet u/ss- **341/34, 323/34, 308/34, 504/34 of IPC** against the accused persons namely **1. Surendra Prasad Yadav @ Surendra Yadav & 2. Ramdhani Yadav** thereupon the Ld. Court below has taken cognizance u/ss- **341/34, 323/34, 308/34, 504/34 of IPC** on dated 20.07.2023.

4. Charges under Sections **341/34, 323/34, 308/34, 504/34 of IPC** were framed on 02.05.2025 against the accused to which they pleaded not guilty and claimed trial by the Court.
5. Defence is denial of allegation and of false implication at the instigation of the informant party.
6. Now, the only question for determination is whether prosecution has been able to establish the charges levelled against the accused persons beyond the shadow of all reasonable doubt?

FINDINGS

7. In the instant Case, in support of its case, the prosecution has produced altogether **two (02)** witnesses namely **Nunbatiya Devi and Shambhu Yadav. Whereas the defence has not produced any oral or documentary evidence.**
8. **P.W. 2- Shambhu Yadav** is the informant of this case who deposed that the alleged occurrence took place seven years back at around 01:00 p.m. when he returned from Dinahra after getting treatment and then in the way 3-4 people assaulted him by which he sustained injury and thereafter he went to Laxmipur Hospital for treatment from where he was referred to Jamui Hospital. The witness identified his signature on the written application which was marked as **P-1/P.W.-2**, on identification.
In his cross-examinations, the witness denied to identify the accused present in the Court. The witness further deposed that he had not seen anyone assaulting him. Further, the witness had stated that he made signature on the blank paper upon saying of the police.
9. **P.W. 1- Nunbatiya Devi** deposed that the case has been instituted by her husband Shambhu Yadav. The witness further deposed that she heard as to the fact that her husband had sustained injury.
In her cross-examinations, the witness specifically admitted that she had no personal knowledge of the alleged incident.

Analysis of Evidence

10. **Learned counsel for the accused persons** submits that this is a case of virtually no evidence against the accused person inasmuch as none of the witnesses have supported the case of the prosecution in any manner. Further submitted that there is complete contradictions in the statements of the witnesses produced on behalf of the prosecution and the case narrated in the FIR. Further, none of the

witnesses had uttered anything directly against the accused persons. Further submitted that the victim/informant had specifically stated that none of the accused assaulted anyone and as such they have not supported the case of the prosecution. Further, the prosecution did not bring on record the evidence of I.O. and doctor so as to establish the place of occurrence, the FIR and the injury as alleged in the FIR and as such these discrepancies creates severe suspicion upon the case of the prosecution. Therefore, it is submitted that the prosecution has failed to establish its case beyond any shadow of doubt.

11. Ld. P.P. for the state submitted that the witnesses have supported the case and there is ample evidence on record which establishes that the accused had committed the offence.
12. The court has gone through the record. In support of its case, the prosecution has examined as many as two witnesses. It further reflects that there is no evidence of I.O. or doctor on record.
13. PW-2 is the informant of this case who specifically admitted that none of the accused have assaulted him. PW-2 is not only eye witness of this case but also victim as well as is informant of this case. The denial of the witness (PW-2) to identify the accused present in the Court as assailant, creates serious dent upon the story propounded by the prosecution. Further, PW-1 admitted that she had no any personal information as to the alleged occurrence and as such this witness has completely denied the story propounded by the prosecution. On appreciation of all the materials available on record, it reflects that the evidences so produced on behalf of the prosecution are neither corroborative nor concrete piece of evidence. Further, the victims PW-1 and PW-2 have not supported the case of the prosecution. Further, the prosecution had not examined I.O and doctor and I find force in the submission of defences that the place of occurrence, the FIR and the injury remained uncorroborated. Further the prosecution has failed to corroborate the allegation made in the F.I.R. and also failed to establish the manner, time and place of alleged occurrence. As such, the evidence so produced on behalf of the prosecution are neither consistence nor reliable and also not trustworthy.
14. It is settled law that "the prosecution must prove its case beyond reasonable doubt and cannot derive strength from weakness of defence."
15. Considering the evidence in its entirety and bearing in mind the principles that the prosecution is duty bound to establish its case by way of oral and documentary evidence and in the case in hand where the prosecution has failed to brought on record any credible piece of evidence to support its case and as such and in absence of any reliable / corroborative evidence, the court is of the

opinion that the prosecution has miserably failed to establish the case beyond shadow of any doubt.

16. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **1. Surendra Prasad Yadav @ Surendra Yadav & 2. Ramdhani Yadav** beyond reasonable doubt.

ORDER

17. In view of the above, this Court is of the opinion that the prosecution has failed to establish the offences u/ss **341/34, 323/34, 308/34, 504/34 of IPC** against the accused persons namely, **1. Surendra Prasad Yadav @ Surendra Yadav & 2. Ramdhani Yadav**. Accordingly, the accused persons are acquitted from the charges levelled against them and set at liberty forthwith.

A copy of this judgment be sent to District Magistrate, Jamui.

A free copy of the judgment be furnished.

Given under the hand and seal of this Court.

This judgment has been corrected, signed and pronounced by me on 19th of June, 2026 in open court.

Dictated

(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 19th June, 2026

(Sri Manoranjan Kumar Jha)
Addl. Sessions Judge-VIth
Jamui
Dated- 19th June, 2026