

**IN THE COURT OF:- SESSIONS JUDGE, JEHANABAD**  
**SESSIONS TRIAL NO. 290/2016**

***State of Bihar Vs. Hulash Yadav & Ors.***

**PRESENT:- BRAJESH KUMAR,  
SESSIONS JUDGE, JEHANABAD.**

**FORM 'A'**

<b><u>IN THE COURT OF :- SESSIONS JUDGE, JEHANABAD</u></b> <b>PRESENT:- BRAJESH KUMAR, SESSIONS JUDGE, JEHANABAD</b>  <b>(DATE OF JUDGMENT : 22.04.2026 )</b> <b>(SESSIONS TRIAL NO. 290/2016)</b> <b>(Arising out of Kako P.S. Case no. 197/2014)</b>	
<b>Informant :-</b>	The State of Bihar through –Pinki Devi, Wife of-Chhatrabali Yadav, R/o Vill.-Badahara, P.S. Kako, Distt.- Jehanabad.
<b>Represented by :-</b>	Sri Shardanand Kumar, Ld. P.P.
<b>Accused Persons :-</b>	1. Hulash Yadav, aged about 40 years, Son of Rameshwar Yadav. 2. Umesh Yadav, aged about 35 years, Son of Rameshwar Yadav. 3. Samoda @ Kamoda Devi, aged about 38 years, wife of Hulash Yadav.  All R/o village-Badahara, P.S.-Kako, Distt.-Jehanabad.
<b>Represented by :-</b>	Md. Shahzad Alam, Ld. Advocate for the defence.

**FORM 'B'**

<b>Date of Offence :-</b>	20.11.2014
<b>Date of FIR :-</b>	20.11.2014
<b>Date of Charge-sheet :-</b>	30.04.2015
<b>Date of Cognizance:-</b>	05.05.2016
<b>Date of framing of Charges :-</b>	02.08.2016
<b>Date of commencement of Evidence</b>	13.09.2016
<b>Date on which Judgment is reserved :-</b>	NA
<b>Date of Judgment :-</b>	22.04.2026
<b>Date of the Sentencing Order, if any :-</b>	NA

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**ACCUSED DETAILS :-**

<b>Rank of the accused</b>	<b>Name of Accused</b>	<b>Date of Arrest</b>	<b>Date of Release on Bail</b>	<b>Offences Charged With</b>	<b>Whether Acquitted or Convicted</b>	<b>Sentence Imposed</b>	<b>Period of Detention Undergone during Trial for purpose of Section 428 of the Cr.P.C.</b>
1.	Hulash Yadav	Granted anticipatory bail vide A.B.P no. 285/2015	20.04.2015	U/Ss-341/34, 323/34, 307/34 and 504/34 IPC.	Acquitted	NA	NA
2.	Umesh Yadav	“	“	“	Acquitted	NA	NA
3.	Samoda @ Kamoda Devi	“	“	“	Acquitted	NA	NA

**FORM 'C'**

**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES :-**

**A. Prosecution Witness :-**

<b>Rank</b>	<b>Name of Witness</b>	<b>Nature of Evidence</b>
P.W.-1	Chhatrabali Yadav	(Injured witness)
P.W.-2	Pinki Devi	(Informant)
P.W.-3	Dr. Sheo Kumar Prasad	(Doctor/medical witness)
P.W.-4	Nagina Devi @ Mungiya Devi	(Injured witness)

**B. Defence Witness :-**

<b>Rank</b>	<b>Name of Witness</b>	<b>Nature of Evidence</b>
NA	Not Applicable	Not Applicable

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**C. Court Witness :-**

Rank	Name of Witness	Nature of Evidence
NA	Not Applicable	Not Applicable

**LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS :-**

**A. Prosecution Exhibits :-**

Sl. No.	Exhibit Number	Description
1	Ext. P1/P.W-3	Injury report of Nagina Devi
2	Ext. P2/P.W-3	Injury report of Chhatrabali Yadav.

**B. Defence Exhibits :-**

Sl. No.	Exhibit Number	Description
NA	Not Applicable	Not Applicable

**C. Court Exhibits :-**

Sl. No.	Exhibit Number	Description
NA	Not Applicable	Not Applicable

**D. Material Objects / Exhibits :-**

Sl. No.	Exhibit Number	Description
NA	Not Applicable	Not Applicable

**J U D G M E N T**

1. The accused persons of this case namely, 1. Hulash Yadav, 2. Umesh Yadav and 3. Samoda @ Kamoda Devi stand charged and are facing trial for the offence punishable under sections 341/34, 323/34, 307/34 and 504/34 I.P.C. in connection with Kako P.S. Case No. 197/2014 instituted for the offence punishable under sections 341, 323, 307 and 504/34 I.P.C. It is pertinent to note that the co-accused Bhura Yadav and Rundha Devi @ Radhe Devi were also charged with the above named accused persons for the offence as stated at the outset but during the pendency of this case they died and the proceeding of this case against them was dropped.
2. Stated in brief, the prosecution case, as per the Fardbayan of the informant Pinki

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Devi is that on 20.11.2014 at about 05:00 P.M, her villagers Hulash Yadav, Bhura Yadav, Umesh Yadav, Samoda Devi and Rundha Devi abused her and her son Dheeraj Kumar alleging that the informant's goat had grazed creeper of *Kohara* on which the informant told that she had tied her goat at the side of Paain and her goat had not grazed the alleged creeper, on this there was hot exchange of words between both sides and in the meantime the informant's husband Chhatrabali Yadav also came there. It is alleged that Hulash Yadav, Bhura Yadav and Umesh Yadav started committing Marpit with the informant's husband by means of Lathi and when the informant's Gotani Nagina Devi came to rescue, they also assaulted her due to which the informant's husband sustained injury on his eye and nose and her Gotani sustained injury on her head. It is further alleged that the wives of the above named accused persons also committed Marpit by throwing stones.

3. On the basis of the above-noted written application of the informant, Kako P.S. Case No. 197/2014, dated 20.11.2014 under sections 341, 323, 307, 504/34 IPC was registered against the above-named accused persons. After investigation, the I.O. of the case submitted charge-sheet no. 58/2015, dated 30.04.2015 U/Ss.- 341, 323, 337, 307 and 504/34 IPC against the above-named accused persons. Vide order dated 05.05.2016, the learned A.C.J.M, Jehanabad took cognizance of the offence under sections 341, 323, 337, 307, 504/34 IPC against the above named accused persons and vide order dated 30.05.2016, the case was committed to the court of sessions by the learned A.C.J.M., Jehanabad thereupon sessions trial no. 290/2016 is registered against the above named accused persons. Charges as stated at the outset have been framed against the above-named accused persons on 02.08.2016. The charges have been read over and explained to the accused persons in Hindi, to which they have pleaded not guilty and claimed to be tried.
4. The defence case is simple denial of prosecution case and plea of innocence.
5. In order to prove its case the prosecution has examined the following four witnesses :-

P.W-1	Chhatrabali yadav	(injured witness)
P.W-2	Pinki Devi	(informant)
P.W-3	Dr. Shiv Kumar Prasad	(Medical witness)
P.W-4	Nagina Devi @ Mungiya Devi	(injured witness)

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6. The following documents have been marked Exhibit on behalf of the prosecution :-

Ext. P1/P.W.-3          Injury report of Nagina Devi.

Ext. P2/P.W.-3          Injury report of Chhatrabali Yadav.

7. After completion of prosecution evidence, the statements of the accused persons have been recorded under section 313 Cr.P.C. wherein they have denied the prosecution evidence against them and claimed that they are innocent.

8. No oral or documentary evidence has been adduced by the accused persons in their defence.

9. I have heard the arguments of both sides.

The learned P.P. appearing on behalf of the State has submitted that the prosecution has proved its case by examining four witnesses including the informant, the injured and the doctor.

On the other hand, the learned defence counsel has submitted that the both parties are Gotiya and there is case and counter case between the parties and both the cases have been compromised. He has further submitted that the prosecution has failed to prove the charges levelled against the above-named accused persons beyond all shadow of reasonable doubts and the accused persons deserve acquittal.

**POINT FOR DETERMINATION**

10. Now, the only one point for determination in this case is as to whether the prosecution has proved the charges levelled against the accused persons beyond all shadow of reasonable doubts?

**FINDINGS**

11. **P.W. 1** Chhatrabali Yadav is the husband of the informant. He has stated in his examination-in-chief that the incident occurred two years ago at 05:00 P.M and at that time he was at his home. There was quarrel between the boys for creeper of Kohara. This witness protested on which Hulash Yadav assaulted on his head by means of Lathi which hit on his head and also on his eye and nose. Bhura Yadav assaulted him by means of brick and Umesh Yadav also assaulted him by means of brick. Samoda Devi and Rundha Devi also assaulted him. This witness has identified the accused persons present in the court.

In his cross-examination, this witness has stated that his statement was

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recorded by police and he told the police that Hulash Yadav assaulted him by Lathi and Bhura Yadav, Umesh Yadav, Rundha Devi and Samoda Devi assaulted him by brick and stones. He cannot tell who came after the occurrence because he was unconscious.

12. **P.W. 2** Pinki Devi is the informant of this case. She has stated in her examination-in-chief that she is the informant of this case and the incident occurred 8-9 years ago and at that time it was 05:00 P.M. At that time this witness was at her home. Hulash Yadav, Umesh Yadav, Bhura Yadav and women of their family came and told her that her goat had grazed their creeper of *Kohara* on which she told them that her goat was tied and the goat had not eaten the creeper of *Kohara* then she told her son to see where the goat was and when her son went there, they committed Marpit with Chhatrabali Yadav due to which his head broke and the hand of Nagina Devi who is also called Mungiya Devi was fractured. This witness has identified the accused persons.

In his cross-examination, this witness has stated that there was big crowd and she cannot tell who assaulted whom and accused persons are her Gotiya and due to which she identifies them. This case and its counter case have been compromised.

13. **P.W.-3** Dr. Sheo Kumar Prasad has stated in his examination-in-chief that on 20.11.2014, he was posted as Medical Officer at PHC, Kako, Jehanabad. On that very day, he examined the patient Nagina Devi, aged about 40 years, female, W/o Rajnath Yadav, R/o village-Badhara, P.S.-Kako, Distt.-Jehanabad and found following injury on her body :-

i. Lacerated wound of ¼” x ¼” on frontal portion of skull.

Caused by hard blunt substance.

Nature- Simple

2. On the same day, he examined the patient Chhatrawali Yadav, aged about 35 years, male, Son of Charitra Yadav, R/o village-Badhara, P.S.-Kako, Distt. Jehanabad and found following injury on his body :-

i Nasal bleeding from both nostril

Caused by hard blunt substance

Nature-Simple

These injury reports are in his pen and signature. He has identified these injury reports which are marked as Exts.-P1/P.W-3 and P2/P.W-3 respectively.

In his cross-examination, this witness has stated that he has not

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mentioned the colour of the injury and nature of injury is simple.

14. **P.W. 4** Nagina Devi @ Mungiya Devi is also said to be an injured witness who has stated in her examination-in-chief that the incident occurred about 10 years ago at 05:00 P.M. The goat had eaten the creeper of *Kohara* due to which Marpit was committed with Chhatrabali Yadav and this witness also sustained injury. This witness has identified the accused persons.

In her cross-examination, this witness has stated that at the time of quarrel there was a big crowd and she cannot tell who assaulted whom and she also did not see who assaulted whom. This witness has further stated that the informant and the accused persons are Gotiya.

15. From perusal of evidence and material available on record, it appears that as per F.I.R the dispute between the parties occurred due to grazing of creeper of *Kohara* by the informant's goat. Further allegation in the F.I.R is that the accused Hulash Yadav, Bhura Yadav, Umesh Yadav assaulted the informant's husband Chhatrabali Yadav by means of Lathi and when the informant's Gotani Nagina Devi came to rescue they they also committed Marpit with her due to which the informant's husband sustained injury in his left eye and nose and her Gotani sustained injury in her head. The informant's husband Chhatrabali Yadav has been examined as P.W.-1 wherein he has stated in his examination-in-chief that Hulash Yadav assaulted on his head which hit on his eyebrow, eye and nose, Bhura Yadav and Umesh Yadav assaulted him by means of brick and Samodha Devi and Rundha Devi also assaulted him. They injury report of Chhatrabali Yadav has been marked Ext. P2/P.W-3 according to which he has "Nasal bleeding from both nostril" caused by hard blunt substance and the nature of injury is simple. The informant Pinki Devi has been examined as P.W.-2 who has stated in her examination-in-chief that the head of her husband Chhatrabali Yadav broke in the Marpit and the hand of Nagina Devi who is also called Mungiya Devi fractured. In her cross-examination, P.W.-2 has stated that there was a big crowd and she identifies the accused persons because they are her Gotiya and this case and counter case have been compromised. The injury report of Nagina Devi has been marked Ext. P1/P.W.-3 according to which she had "Lacerated wound of ¼" x ¼" on frontal portion of skull caused by hard blunt substance" and the nature of injury is simple. P.W.-4 Nagina Devi @ Mungiya Devi who is said to be an injured in the occurrence has stated in her cross-examination that there was a big crowd at the time of occurrence due to which she did not see who assaulted her

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and the informant and the accused persons are Gotiya.

16. Thus it appears from the discussion made hereinabove that both parties are Gotiya and dispute occurred due to grazing of Kohara creeper by the informant's goat, there is case and counter case between the parties, both the cases have been compromised and as per injury report, both the injured have sustained simple injury on their persons and the nature of injury is simple. There is material inconsistency between the F.I.R, injured witness testimony and medical evidence regarding the location of injury which has denied the prosecution story. Apart from P.W.-1, no other prosecution witness including the informant (P.W.-2) and the other injured witness (P.W.-4) Nagina Devi @ Mungiya Devi have supported the prosecution case which has severely weakened the prosecution case. There is no consistent, trustworthy and reliable evidence regarding the involvement of the above-named accused persons in the alleged occurrence.
17. In view of above, this court finds that the prosecution has failed to prove the charges levelled against the above named accused persons beyond all shadow of reasonable doubts and giving benefit of doubt, the accused persons namely 1. Hulash Yadav, 2. Umesh Yadav and 3. Samoda @ Kamoda Devi are acquitted of the charges as stated at the outset. The above named accused persons are on bail and so they and their sureties are discharged from the liabilities of bail bonds.

Pronounced, signed and sealed in the open court on this **22<sup>nd</sup> day of April, 2026.**

Let a copy of this judgment be sent to the D.M, Jehanabad as per requirement of section 365 Cr.P.C.

(Dictated & Corrected)

(Brajesh Kumar)

Sessions Judge, Jehanabad  
**22.04.2026**

(Dictated & Corrected)

(Brajesh Kumar)

Sessions Judge, Jehanabad  
**22.04.2026**

Date of Judgment	22.04.2026
Date of reserving Judgment	N/A
Uploading date	23.04.2026
Uploaded by	Ritesh Kr.