

FORM A

In the Court of Additional Sessions Judge-III, Jehanabad Present : Syed Qamrul Hasan Rizvi, Addl. Sessions Judge-III, Jehanabad. Date of the Judgment: 19th June, 2026 Case No. ST 82/2010 Details of FIR/Crime and Police Station) P.S.- Makhdumpur FIR NO.- 378/2009 FIR Under Section- 143, 341, 323, 324, 325, 307 of IPC. District- Jehanabad	
Complainant	State Of Bihar through Santosh Kumar
REPRESENTED BY	Shri Sunil Kumar APP
ACCUSED	1. Rambhawan Yadav, aged about 50 years s/o Late Naresh Yadav, (A1) 2. Sunaina Devi, aged about 48 years, W/o Ajay Yadav, (A2) 3. Rangraniya Devi, aged about 49 years, W/o Rambhawan Yadav, (A3) All R/o Village Dakra, P.S- Makhdumpur, District-Jehanabad
REPRESENTED BY	Shri Rajiv Ranjan, Advocate

BIHAR GAZETTE(EXTRA) 26TH NOVEMBER 2021

FORM B

Date of Offence	18.12.2009
Date of FIR	18.12.2009
Date of Chargesheet	15.02.2010
Dater of Framing of Charges	26.03.2010
Date of commencement of evidence	27.04.2010
Date on which judgment is reserved	18.06.2026
Date of the Judgment	19.06.2026
Dater of the Sentencing Order, if any	NA

Accused Details

Rank of the accused	Name of Accused	Date of Arrest	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	Rambhawan Yadav	NA	NA	307/143, 323, 325, 341 and 504 of IPC.	Acquitted	NA	NA
A2	Sunaina Devi	NA		307/143, 323, 325, 341 and 504 of IPC.	Acquitted	NA	NA
A3	Rangraniya Devi	NA		307/143, 323,325, 341 and 504 of IPC.	Acquitted	NA	NA

J U D G M E N T

1. In the present case A1 to A3 have been charged on 26.03.2010 for the offences under sections 307/143, 323, 325, 341 and 504 of IPC. allegedly committed on 18.12.2009 The charge was framed and explained to them in Hindi to which they pleaded not guilty and claimed to be tried.

2. The prosecution case came into existence on the written report of informant Santosh Kumar. On this basis the police registered Makhdumpur PS Case no. 378/2009 dated 18.12.2009 under sections 143, 341, 323, 324, 325, 307 of IPC. against accused persons. After the investigation the concerned police submitted charge sheet number 40/2010 against the accused persons under sections 143, 341, 323, 325, 307, 504 of IPC. Cognizance was taken and later-on the case was committed to the Court of Sessions, Jehanabad and from there it was transferred and then this case came to this court in the due course of time.

3. The prosecution case as stated in the written report of the informant Santosh Kumar in brief is that on 18.12.2009, the informant along with his father Lakhan Yadav was irrigating his field from pump-set. In the meantime, at about 11:30 A.M. the named accused persons armed with deadly weapon came there and caught hold of his father. It is further stated that all the accused persons started assaulting his father by means of Katta's butt and iron rod with intention to kill him. When RamaAshish Yadav prohibited them then he was also chased to assault.

4. The prosecution has produced five out of nine witnesses in support of its case and Ld. Predecessor court closed the prosecution evidence on 29.02.2024.

5. The statements of the accused persons were recorded under section 313 Cr.P.C. in which they denied whole occurrence and stated themselves to be innocent and claimed the prosecution case to be a lie.

6. Now the main question to be decided is whether the prosecution has been able to prove its case against the accused persons or not?

FINDING

7. **PW-1 Ramashish Prasad** deposed in his examination-in-chief that the incident took place on 18.12.2009 at about 11-12:00 P.M. At that time Ramlakhan Yadav was irrigating his field. At the same time accused Naresh Yadav, Ajay Yadav, Chandan Yadav, Rambhawan Yadav, his wife and wife of Ajay Yadav came there and started abusing Ramlakhan Yadav. When he objected to abuse to Ramlakhan Yadan then they forbade him from getting involved. Thereafter all the accused persons started assaulting Ramlakhan Yadav due to which he sustained severe injury on his head, hand and ribs. When he made hue and cry then accused persons left Ramlakhan Yadav in unconscious condition and fled away. After that Ramlakhan Yadav was taken to hospital. In his cross-examination he has deposed that his field is situated next to the place of occurrence. He deposed that Ramlakhan Yadav resides at Saidpur Tehta. He further deposed that Ramlakhan Yadav demands his share from accused persons in the property of his matrimonial house. He deposed that he had gone to the place of occurrence because field of Ramlakhan Yadav was being irrigated. He denied the suggestion of defence that no incident of assault happened and Ramlakhan Yadav is asking for share in his matrimonial property.

8. **PW-2 Suresh Yadav** deposed in his examination-in-chief that the incident took place nine years ago at about 12-01:00 PM. At that time, he was working in his field and came to know that there was some altercation between Lakhan Yadav and accused persons in which Lakhan Yadav sustained injury. The incident occurred due to land dispute. In his cross-examination he has deposed that he cannot tell who assaulted whom. He further deposed that he did not see the injured person.

9. **PW-3 Santosh Kumar** deposed in his examination-in-chief that he is the informant of this case. He identified his signature on written report which is marked as **Exbt-1**. The incident took place in December 2009 at about 11:30 P.M. At that time, he along with his father was watering his field when Ajay Yadav, Ramlakhan Yadav, Chandan Kumar, Naresh Yadav, Pramod Kumar, wife of Ajay Yadav, Rangraniya Devi started assaulting his father by means of butt of pistol, iron rod and pasuli. When Ramashish Yadav forbade to assault then Ajay Yadav pointed pistol on him and then he and Ramashish Yadav fled away. He saw that Ajay Yadav assaulted by means of butt of Pistol on the right side of head and Naresh Yadav assaulted on the left side of head by means of iron rod. Ajay Yadav climbed on the chest of his father and assaulted him by means of butt of pistol. His father received injury over his body. In his cross-examination he has deposed that his home is situated at Saidpur and he lives there. Its police station is Tehta OP. He deposed that Dakra is his maternal home and he lives there itself and he knows 10-50

persons from there. He further deposed that he knows Dinesh Yadav but does not know their children and similarly does not know children of other people. After the incident they went to Saidpur in fear. He cannot tell the Khata and Khesra no. of that plot. He deposed that no one resides in this house because the house is in shambles. He disclosed the boundaries of the place of occurrence. He deposed that he can submit papers related to the disputed land which is in the name of his mother. He deposed that now Ajay Yadav accused is cultivating the said land. He deposed that his father might have filed case for the land but he has no knowledge about it. He deposed that he had gone there four days prior to the occurrence and they got the field ploughed by tractor. He deposed that after occurrence the accused persons are cultivating the land. He deposed that he was hiding and seeing the incident from the distance of 50 meters. He deposed that when accused persons went away then they went near his father.

10. **PW-4 Ramanuj Yadav** deposed in his examination-in-chief that the incident took place on 10.12.2009 between 11-12:00 P.M. At that time he was irrigating his field when Ramlakhan Yadav, Santosh Yadav, Naresh Yadav, Ajay Yadav, Ramlakhan Yadav, Pramod and others armed with lathi, danda and started assaulting Ramlakhan Yadav. Due to assault, he fell down on the ground. After that he was taken to Hospital. In his cross-examination he deposed that Ramlakhan Yadav home is at Saidpur. Ramlakhan Yadav is son-in-law of elder brother of Naresh Yadav. Ramlakhan Yadav asks for his share in 2 acre 2 decimal lands. He further deposed that there is land dispute between him and accused persons. He deposed that between Ramlakhan and accused also there is land dispute. He deposed that Naresh Yadav land is ancestral property. Accused has taken possession of land 2-4 years prior to occurrence. He denied the suggestion given by defence that no such incident took place.

11. **PW-5 Krishna Murari** deposed in his examination-in-chief that he has seen writing of S.H.O Makhdumpur Umesh Kumar Singh and identified his signature on formal F.I.R which is marked as **Exbt-2**. In his cross-examination he has deposed that formal F.I.R was not written in his presence.

11. It appears from the case record that charges were framed on 26.03.2010 and then five out of nine witnesses were examined but other witnesses were not produced. Hence Ld. Predecessor court closed the evidence of prosecution on 29.02.2024.

12. If we analyze the prosecution evidence then we find that important witnesses like injured person, medical doctor and investigating officer were not examined. To make it more clearer, it has to be noted that prosecution was given almost fourteen years for

producing prosecution witnesses but still Ramlakhan Yadav the only injured person of this case was not examined although his son who is informant of this case was examined in this case. Besides this as per the defence argument informant who was examined as PW3 is not an eye witness because he deposed that he has seen the occurrence from fifty meters distance. From the evidences of all the witnesses it is clear that there is land dispute between the parties because witnesses have admitted that Ramlakhan demands his share in the matrimonial property. The tendency to settle civil dispute by criminal prosecution cannot be ruled out. So, from the case record it appears that sufficient evidence is not on record to inspire the confidence of this court to warrant the conviction of the accused persons and the court has no option but to acquit the accused person for want of evidence.

13. Thus, considering all these aspects of the case I find and hold that the prosecution miserably failed to prove its case beyond all reasonable and probable doubts against the accused persons. Therefore, I find and hold the accused persons, not guilty of the offences under sections 307/143, 323, 325, 341 and 504 of IPC. Accordingly, they are acquitted from the said charges. They are already on bail so they need not surrender. Their bail bonds are cancelled and sureties are discharged. They are directed to furnish a personal bond in sum of Rs. 20,000/- with one surety of like amount, in view of mandate of Section 437A of Cr.P.C.

Typed and corrected by me

Signature

**Addl. Sessions Judge-III,
Jehanabad.**

**Addl. Sessions Judge-III,
Jehanabad,**

BIHAR GAZETTE (EXTRA), 26TH NOVEMBER 2021

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Ramashish Prasad	Eye witness
PW-2	Suresh Yadav	Eye witness
PW-3	Santosh Kumar	Informant
PW-4	Ramanuj Yadav	Eye Witness
PW-5	Krishna Murari	Formal witness

B. DEFENCE WITNESSES, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW 1		Nil
DW2		Nil

C. Court of Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1		Nil
CW2		Nil

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS
A . Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit -1	Signature of informant on written application
2	Exhibit - 2	Signature of SHO on Formal FIR

B. Defence :-

Sr. No.	Exhibit Number	Description
1		
2		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1		
2		

D. Material Objects:

Sr. No.	Material Object Number	Description
1	MO1	Nil
2	MO2	Nil