

IN THE COURT OF:- SESSIONS JUDGE, JEHANABAD
SESSIONS TRIAL NO. 147/2016

State of Bihar Vs. Ajit Yadav & Ors.

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

FORM 'A'

<u>IN THE COURT OF :- SESSIONS JUDGE, JEHANABAD</u> PRESENT:- BRAJESH KUMAR, SESSIONS JUDGE, JEHANABAD (DATE OF JUDGMENT : 15.04.2026) (SESSIONS TRIAL NO. 147/2016) (Arising out of Ghoshi P.S. Case no. 113/2014)	
Informant :-	The State of Bihar through – Surendra Yadav, Son of- Kamal Yadav, R/o Vill.- Chhapanna, P.S.- Ghoshi, Distt.- Jehanabad.
Represented by :-	Sri Shardanand Kumar, Ld. P.P.
Accused Persons :-	1. Ajit Yadav, aged about 30 years, Son of- Rajnandan Yadav. 2. Rajnandan Yadav, aged about 70 years, Son of- Late Lakhan Yadav. 3. Yasoda Devi, aged about 65 years, Wife of- Rajnandan Yadav. 4. Bindola Devi, aged about 28 years, Wife of- Ajit Kumar. All R/o Vill.- Chhapanna , P.S.- Ghosi , Distt.- Jehanabad.
Represented by :-	Sri Shailesh Kumar, Ld. Advocate for the defence.

FORM 'B'

Date of Offence :-	24.04.2014
Date of FIR :-	24.04.2014
Date of Charge-sheet :-	31.10.2014
Date of Cognizance:-	24.03.2015
Date of framing of Charges :-	04.04.2016
Date of commencement of Evidence	27.04.2016
Date on which Judgment is reserved :-	NA

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Date of Judgment :-	15.04.2026
Date 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 of the Cr.P.C.
1.	Ajit Yadav	11.08.2014	11.11.2014	U/S.- 307/34 IPC	Convicted U/s. 323/34 IPC	Released after admonition U/s. 3 of Probation of offenders Act	NA
2.	Rajnandan Yadav	04.06.2014	24.06.2014	“	“	NA	NA
3.	Yasoda Devi	Granted anticipatory bail	06.01.2016	“	“	NA	NA
4.	Bindola Devi	“	06.01.2016	“	“	NA	NA

FORM 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES :-

A. Prosecution Witness :-

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Rank	Name of Witness	Nature of Evidence
P.W.-1	Ram Pravesh Prasad	Other witness
P.W.-2	Ashok Kumar	Other witness
P.W.-3	Sabita Devi	Injured witness
P.W.-4	Surendra Yadav	Informant/injured witness
P.W.-5	Dr. Birendra Kumar Shahi	Doctor/Medical witness

B. Defence Witness :-

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

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	P1/P.W.-4	Written application
2	P2/P.W.-5	Injury report of Sabita Devi
3	P2/1/P.W.-5	Supplementary injury report of Sabita Devi
4	P3/P.W.-5	Injury report of Surendra Yadav
5	P3/1/P.W.-5	Supplementary injury report of Surendra Yadav

B. Defence Exhibits :-

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

C. Court Exhibits :-

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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, Ajit Yadav, Rajnandan Yadav, Yasoda Devi and Bindola Devi stand charged and are facing trial for the offence punishable under section 307/34 IPC in connection with Ghoshi P.S. Case No. 113/2014 instituted for the offence punishable under sections 341, 323, 307, 504/34 IPC.
2. Stated in brief, the prosecution case, as per the written application of the informant Surendra Yadav, is that on 24.04.2014 at 9 A.M., a village *Panchayati* was going on at his door for "Aam Gali", in the meantime, Ajit Yadav, Son of- Rajnandan Yadav armed with *Khanti* and Rajnandan Yadav, Son of- Late Lakhan Yadav armed with *Lathi* and Yasoda Devi, Wife of- Rajnandan Yadav and Bindola Devi, wife of- Ajit Yadav started abusing. It is further alleged that Ajit Yadav assaulted the informant on his head by means of *Khanti* and Rajnandan Yadav assaulted the informant by means of *Lathi* due to which his head broke. It is further alleged that Yasoda Devi and Bindola Devi committed *Marpit* with the informant's wife.
3. On the basis of the above-noted written application of the informant, Ghoshi P.S. Case No. 113/2014, dated 24.04.2014, 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. 218/2014, dated 31.10.2014, U/Ss.- 341, 323, 307, 504/34 IPC against the above-named accused persons. Vide order dated 24.03.2015, the learned S.D.J.M., Jehanabad took cognizance of the offence under sections 341, 323, 307, 504/34 IPC against the above named accused persons and vide order dated 21.12.2015/02.02.2016, the case was committed to the court of sessions by the learned A.C.J.M., Jehanabad thereupon sessions trial no. 147/2016 has been registered against the above named accused persons. The charge as stated at the outset has been framed against the above-named accused persons on 04.04.2016.

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The charge has 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 five witnesses :-

P.W.-1 Ram Pravesh Prasad	(Other witness)
P.W.-2 Ashok Kumar	(Other witness)
P.W.-3 Sabita Devi	(Injured witness)
P.W.-4 Surendra Yadav	(Informant/Injured witness)
P.W.-5 Dr. Birendra Kumar Shahi	(Doctor/Medical witness)

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

Ext. P1/P.W.4	Written application
Ext. P2/P.W.5	Injury report of Sabita Devi
Ext. P2/1/P.W.5	Supplementary injury report of Sabita Devi
Ext. P3/P.W.5	Injury report of Surendra Yadav
Ext. P3/1/P.W.5	Supplementary injury report of Surendra 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 five witnesses including the informant and the injured and the doctor and by proving the injury report of the injured.

On the other hand, the learned defence counsel has submitted that the prosecution has failed to prove the charge levelled against the above-named accused persons beyond all shadow of reasonable doubts. He has further submitted that out of the five witnesses examined on behalf of the prosecution, P.W. 1 and P.W. 2 who are independent witnesses have turned hostile to the prosecution and have not at all supported the prosecution case. He has further submitted that P.W. 3 is the wife of the informant and P.W. 4 Surendra Yadav is the informant of this case. He has further submitted that there is land dispute and previous enmity between the parties

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and P.W. 3 and P.W. 4 are interested and inimical witnesses and their testimony has not been corroborated by the testimony of any independent witness. He has further submitted that there is a lot of contradiction and inconsistency in the testimony of P.W. 3 and P.W. 4. He has further submitted that for the purpose of conviction U/s-307 IPC, the prosecution has to establish intention to commit murder and the act done by the accused and the burden is on the prosecution to prove that the accused had attempted to commit murder of the prosecution witness. He has further submitted that whether the accused persons intended to commit murder would depend upon the facts and circumstances of each case. To justify the conviction U/s. 307 IPC, it is not essential that fatal injury capable of causing death should have been caused although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused, such intention may also be found from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of incident, motive of the accused, parts of the body where the injury was caused and the nature of injury and severity of the blows given etc. He has further submitted that as per injury report marked Ext. P2/P.W. 5, P2/1/P.W. 5, P3/P.W. 5 and P3/1/P.W. 5, it appears that the injured Sabita Devi has pain, swelling in left side temporal region, pain tenderness in lumbosacral and pain tenderness both side chest and all these injuries are simple in nature. He has further submitted that as per injury report of Surendra Yadav, it appears that he has got lacerated wound in occipital region of head, tenderness in left shoulder and pain, swelling in left hand and all these injuries are simple in nature. He has further submitted that the doctor examined as P.W. 5 has stated in para-3 of his cross-examination that so far as pain is concerned, it is only version of the patient. He has further submitted that the prosecution has failed to prove the genesis of the occurrence, the manner of occurrence and the place of occurrence and the above named 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 charge levelled against the accused persons beyond all shadow of reasonable doubts?

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FINDINGS

11. **P.W. 1** Ram Pravesh Prasad has stated in his examination-in-chief that the incident occurred 4 years ago at 10 A.M. He heard that there was quarrel between Surendra Yadav and Ajit Kumar. The police did not record his statement. This witness has been declared hostile at the request of prosecution and has been cross-examined on behalf of the prosecution wherein he has denied the prosecution case.
12. **P.W. 2** Ashok Kumar has stated in his examination-in-chief that he has no knowledge regarding the occurrence and the police did not record his statement. This witness has also been declared hostile at the request of prosecution and has been cross-examined on behalf of the prosecution wherein he has denied the prosecution case.
13. **P.W. 3** Sabita Devi is the wife of the informant. She has stated in her examination-in-chief that the incident occurred about 4 years ago at 4 A.M. At that time, she was at the place of occurrence. Ranjeet was constructing house adjacent to the house of this witness and on being forbidden by this witness, Ranjeet, Rajnandan, Yasoda Devi and Bindu Devi came and Ranjeet assaulted the husband of this witness on his head and Rajnandan assaulted on his back. This witness has further stated that Bindu assaulted her by means of brick due to which her tooth broke. This witness has identified the accused persons present in the court.

In her cross-examination, this witness has stated that wall was being constructed in her land and she had gone to call the villagers prior to the occurrence. When she came from the village then they assaulted her husband in her presence. Stones were thrown and she had seen stones in the hands of Bindu Devi and Yasoda Devi. This witness has further stated that she sustained injury on her cheeks and her tooth was broken. She has stated the boundary of the place of occurrence as follows :-

North- House of Ganga Mahto
South- House of Balli Mistri
East- House of Balli Yadav
West- Parti land of this witness

This witness has further stated that blood had fallen on earth and the police had seen the blood. Her husband Surendra Yadav had sustained injury on his head and hand. Several villagers had seen the occurrence.

14. **P.W. 4** Surendra Yadav is the informant of this case. He has proved the written application which is in his writing and signature. On the evidence of this witness, the

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written application has been marked Ext. P1/P.W. 4. This witness has stated that the incident is dated 24.04.2014 at 9 o'clock. The accused persons were constructing house at his door and when he protested and said that he was calling *Panch* of the village on which Yasoda Devi and Bindola Devi started abusing. At that time, Ajit Kumar was digging ditch and assaulted on the head of this witness by *Khanti* due to which the head of this witness broke. At the same time, Rajnandan Yadav assaulted this witness by *Lathi* and Yasoda Devi and Bindola Devi assaulted the wife of this witness. This witness has identified the accused present in the court.

In his cross-examination, this witness has stated that Rajnandan Yadav is his uncle and partition has taken place between them and the accused persons were constructing wall on the joint land. This witness has further stated that he does not know *khata* and plot of the place of occurrence. This witness has further stated that there was no brick at the place of occurrence. This witness has stated the boundary of the place of occurrence which is as follows :-

North- House of Ganga Yadav
South- Houses of this witness and accused persons
East- House of Dinesh Yadav
West- House of Krishna Yadav

This witness has further stated that no *Panchayati* was held and he cannot tell the names of the accused persons but saw the occurrence.

15. **P.W. 5** Dr. Birendra Kumar Shahi is the doctor who has stated in his examination-in-chief that on 24-04-2014, he was posted as Medical Officer at PHC Ghoshi, Jehanabad and on that very day he examined the patient,

1. Sabita Devi, aged about 40 years, Female, W/o- Surendra Yadav, R/o village- Chhapana, P.S. Ghoshi, Distt- Jehanabad at 10:10 A.M. and found following injury on her person :-

- (i) Pain swelling in left side tempo maldibular region
- (ii) Pain tenderness in lumbosacral region
- (iii) Pain tenderness both side chest

M.I.- Wound mark in left ankle

Age of injury-Within 06 hours

Nature of injury-Kept reserved due to patient is referred to Sadar Hospital Jehanabad for needful treatment and x-ray report.

Supplementary injury report of Sabita Devi, aged about 40 years, Female W/o- Surendra Yadav, R/o Vill- Chhapana, P.S. Ghoshi, Distt- Jehanabad referred to

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Sadar Hospital Jehanabad, x-ray report is not available but x-ray plate and treatment report is available from Sadar Hospital Jehanabad, so, according to x-ray plate no. 514 dt. 05.05.2014, injury no. 3, there is no bony fracture seen in my knowledge so, this injury nos. 1, 2 and 3 are simple in nature caused by hard blunt substance. X-ray plate and treatment report is attached with injury report.

2. On the same day, he examined the patient Surendra Yadav, aged about 48 years, Male, S/o Kamla Yadav, R/o village Chhapana, P.S. Ghoshi, Distt- Jehanabad at 10:00 A.M. and found following injury on his person :-

(i) Lacerated wound in occipital region of head size 1.5"x1/2"x scalp deep

(ii) Tenderness in left shoulder

(iii) Pain swelling in left hand

M.I.- Wound mark in left leg

Age of injury- Within 06 hours

Nature of injury- Kept reserved due to patient is referred to Sadar Hospital Jehanabad for needful treatment and x-ray and x-ray report.

Supplementary injury of Surendra Yadav, aged about 48 years, Male, S/o- Kamla Yadav, R/o Village- Chhapana, P.S. Ghoshi, Distt. Jehanabad. X-ray report is not available but x-ray plate is available from Sadar hospital, Jehanabad, so, according to x-ray plate no. 25414 on dated 25.04.2014 of injury no. 1. second x-ray plate no. 0 on dated 29.04.2014 of injury no. 2 and third x-ray plate no. 21514 on dated 21.05.2014 of injury no. 3, so, there is no bony fracture seen in his knowledge of injury nos. 1, 2 and 3, so, injury nos. 1, 2 and 3 are simple in nature caused by hard blunt substance. X-ray plate is attached with injury reports.

On the evidence of this witness, the injury and supplementary injury reports have been marked Ext- P2/PW5, P2/1/PW5, P3/PW5 and P3/1/PW5 respectively.

In his cross-examination, this witness has stated that he has not mentioned the colour of injury and he has also not mentioned the name of the injured in the x-ray plate and this type of injury may be possible by fall in or dash in on hard substance.

16. The accused persons of this case have been charged for the offence punishable U/S. 307/34 IPC. It is pertinent to refer here section 307 IPC which reads as hereunder :-

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“Section 307 Attempt to murder —

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to [imprisonment for life], or to such punishment as is hereinbefore mentioned.”

16.1. In the case of **Jage Ram and Ors. Vs. State of Haryana** reported in **2015 (11) SCC 366**, the Hon’ble Apex Court has held in para-12 of the judgment as follows :-

Para-12 “For the purpose of conviction under **Section 307** IPC, prosecution has to establish (i) the intention to commit murder and (ii) the act done by the accused. The burden is on the prosecution that accused had attempted to commit the murder of the prosecution witness. Whether the accused person intended to commit murder of another person would depend upon the facts and circumstances of each case. To justify a conviction under **Section 307** IPC, it is not essential that fatal injury capable of causing death should have been caused. Although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused, such intention may also be adduced from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of the incident, motive of the accused, parts of the body where the injury was caused and the nature of injury and severity of the blows given etc.”

16.2. In this case altogether five witnesses have been examined by the prosecution out of which P.W. 1 and P.W. 2 who are independent witnesses have turned hostile to the prosecution and have not at all supported the prosecution case. P.W. 3 Sabita Devi is the wife of the informant and P.W. 4 Surendra Yadav is the informant himself. Both of them are injured in the occurrence and in their testimony they have stated about land dispute between the parties and have also supported the occurrence of Marpit (beating) and their testimony regarding the occurrence of Marpit (beating) has been corroborated by the testimony of P.W. 5 Dr. Birendra Kumar Shahi who has proved the injury reports of the injured Sabita Devi and Surendra Yadav (Marked Ext. P2/P.W.5, P2/1/P.W.5, P3/P.W.5 and P3/1/P.W.5)

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16.3. From perusal of the injury reports and supplementary injury reports marked Ext. P2/P.W.5, P2/1/P.W.5, P3/P.W.5 and P3/1/P.W.5, it transpires that the doctor has found (i) Pain swelling in left side tempo maldibular region (ii) Pain tenderness in lumbosacral region and (iii) Pain tenderness both side chest of the injured Sabita Devi and according to x-ray plate, no bony fracture is seen and so, injury nos. 1, 2 and 3 of Sabita Devi have been opined as simple in nature. Further the doctor has found (i) Lacerated wound in occipital region of head size 1.5"x1/2"x scalp deep (ii) Tenderness in left shoulder and (iii) Pain swelling in left hand of the injured Surendra Yadav and according to x-ray plate, no bony fracture is seen and so injury nos. 1, 2 and 3 have been opined as simple in nature. In his cross-examination, P.W. 5 the doctor has stated that so far as pain is concerned, it is only the version of the patient.

16.4. The testimony of P.W. 3 and P.W. 4 who are injured in this case and are the wife of the informant and the informant respectively cannot be rejected on the ground that there is land dispute between the parties. The testimony of P.W. 3 and P.W. 4 are reliable as they are injured witnesses and their testimony is corroborated by P.W. 5 who is the doctor and Ext. P2/P.W.5, P2/1/P.W.5, P3/P.W. 5 and P3/1/P.W.5 (injury reports and supplementary injury reports of P.W. 3 and P.W. 4, Sabita Devi and Surendra Yadav).

16.5. Considering the material/evidence on record and the injury reports of the injured and the nature of injuries sustained by the injured, it cannot be said that the intention of the accused persons was to cause death of the injured (the informant and his wife) rather it is a case of simple assault. So, an offence U/S. 307/34 IPC is not made out against the above-named accused persons rather an offence punishable U/S. 323/34 IPC is made out against the above-named accused persons which is a lesser offence than an offence U/S. 307 IPC.

17. In view of discussions made hereinabove, this court finds and holds the accused persons namely, Ajit Yadav, Rajnandan Yadav, Yasoda Devi and Bindola Devi guilty for the offence punishable U/S. 323/34 IPC and convicts them for the same. But, the offence U/S. 323/34 IPC is punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both and no previous conviction is proved against the above named accused

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persons, so, the above-named accused persons are released after admonition giving benefit of section 3 of Probation of Offenders Act.

Pronounced, signed and sealed in the open court on this **15th day of April, 2026.**
Let a copy of this Judgment be sent to the District Magistrate, Jehanabad as per requirement of Section 365 Cr.P.C.

(Dictated & Corrected)

(Dictated & Corrected)

(Brajesh Kumar)
Sessions Judge, Jehanabad
15.04.2026

(Brajesh Kumar)
Sessions Judge, Jehanabad
15.04.2026

Date of Judgment	15.04.2026
Date of reserving Judgment	NA
Uploading date	16.04.2026
Uploaded by	Ritesh Kr.

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