

IN THE COURT OF:- SESSIONS JUDGE, JEHANABAD
SESSIONS TRIAL NO. 30/2026

State of Bihar Vs. Shailesh Kumar

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 : 10.04.2026)	
(SESSIONS TRIAL NO. 30/2026)	
(Arising out of Kako P.S. Case no. 228/2024)	
Informant :-	The State of Bihar through – Arun Kumar, Son of- Satish Prasad, R/o Vill.- Khalispur, P.S.+P.O.- Kako, Distt.- Jehanabad.
Represented by :-	Sri Shardanand Kumar, Ld. P.P.
Accused Person :-	Shailesh Kumar, aged about 28 years, Son of- Late Fullu Yadav, R/o Vill.- Khalispur, P.S.- Kako, Distt.- Jehanabad.
Represented by :-	Sri Chandan Kumar, Ld. Advocate for the defence.

FORM 'B'

Date of Offence :-	24.08.2024
Date of FIR :-	24.08.2024
Date of Charge-sheet :-	11.12.2024
Date of Cognizance:-	12.12.2024
Date of framing of Charges :-	22.01.2026
Date of commencement of Evidence	13.02.2026
Date on which Judgment is reserved :-	NA
Date of Judgment :-	10.04.2026
Date of the Sentencing Order, if any :-	NA

ACCUSED DETAILS :-

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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.	Shailesh Kumar	Granted anticipatory bail	30.10.2024	U/Ss.- 329(3), 115(2), 109(1), 352, 351(2) BNS	Acquitted	NA	NA

FORM 'C'

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES :-

A. Prosecution Witness :-

Rank	Name of Witness	Nature of Evidence
P.W.-1	Arun Kumar	Informant
P.W.-2	Satish Prasad	Injured witness
P.W.-3	Avinash Kumar	Other witness
P.W.-4	Jayanti Devi	Other witness
P.W.-5	Mayavati Kumari	Other witness
P.W.-6	Dr. Sheo Kumar Prasad	Doctor/Medical witness

B. Defence Witness :-

Rank	Name of Witness	Nature of Evidence
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	P1/P.W.1	Written application
2	P2/P.W.-6	Injury report of Satish Prasad

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 sole accused person of this case namely Shailesh Kumar stands charged and is facing trial for the offence punishable under sections 329(3), 115(2), 109(1), 352, 351(2) BNS in connection with Kako P.S. Case No. 228/2024 instituted for the offence punishable under sections 329(3), 118(1), 109(1), 351(3) BNS.
2. Stated in brief, the prosecution case, as per the written application of the informant Arun Kumar is that on 24.08.2024 at 9 A.M., his father was sitting in the house, in

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the meantime, Shailesh Kumar, Son of- Late Fullu Yadav, R/o Vill.- Khalispur, P.O. +P.S.- Kako, Distt.- Jehanabad taking advantage of the fact that there was no one in the house except the informant's father, wanted to commit murder of the informant's father because he had borrowed Rs. 4,70,000/- from the informant's father due to which he wanted to commit murder of the informant's father so that the loan amount would not have to be paid. In the assault, he seriously injured the informant's father and when the crowd gathered, he fled away and in course of fleeing away, he threatened to commit murder.

3. On the basis of the above-noted written application of the informant Arun Kumar, Kako P.S. Case No. 228/2024, dated 24.08.2024, under sections 329(3), 118(1), 109(1), 351(3) BNS was registered against the above-named accused person. After investigation, the I.O. of the case submitted charge-sheet no. 348/2024, dated 11.12.2024, U/Ss.- 329(3), 115(2), 109(1), 352, 351(2) BNS against the above-named accused person. Vide order dated 12.12.2024, the learned S.D.J.M., Jehanabad took cognizance of the offence under sections 329(3), 115(2), 109(1), 352, 351(2) BNS against the above-named accused person and vide order dated 18.12.2025, the case was committed to the court of sessions by the learned S.D.J.M., Jehanabad and thereupon sessions trial no. 30/2026 has been registered against the above named accused person. The charges as stated at the outset have been framed against the above-named accused person on 22.01.2026. The charges have been read over and explained to the accused person in Hindi, to which he has 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 six witnesses :-

P.W.-1	Arun Kumar	(Informant)
P.W.-2	Satish Prasad	(Injured witness)
P.W.-3	Avinash Kumar	(Other witness)
P.W.-4	Jayanti Devi	(Other witness)
P.W.-5	Mayawati Kumari	(Other witness)
P.W.-6	Dr. Sheo Kumar Prasad	(Doctor/Medical witness)

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

Ext. P1/P.W.1	Written application
Ext. P2/P.W.6	Injury report of Satish Prasad

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7. After completion of prosecution evidence, the statement of the accused person has been recorded under section 313 Cr.P.C. wherein he has denied the prosecution evidence against him and claimed that he is innocent.
8. No oral or documentary evidence has been adduced by the accused person in his defence.
9. I have heard the arguments of both sides.

The learned P.P. appearing on behalf of the state has fairly submitted that the case has been compromised between the parties outside the court due to which no non-official witness including the informant and the injured have supported the prosecution case and hence, appropriate order may be passed.

On the other hand, the learned defence counsel has submitted that the prosecution has failed to prove the charges levelled against the above-named accused person beyond all shadow of reasonable doubts and the accused person deserves 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 person beyond all shadow of reasonable doubts?

FINDINGS

11. **P.W. 1** Arun Kumar is the informant of this case. He has proved the written application which has been marked Ext. P1/P.W. 1. He has further stated in his examination-in-chief that the incident is dated 24.08.2024 at about 9 A.M. and at that time, his father was at home and this witness was not at home at that time. Marpit was committed with the father of this witness. About 4 lakh rupees were dues against Shailesh Kumar. The father of this witness sustained injury on his head and hand. This witness has identified the accused person present in the court.

In his cross-examination, this witness has stated that he did not see with his eyes anyone committing Marpit. The application was written by Sonu Kumar and this witness had not read the same and had only made his signature thereon. This witness has further stated that he identified the accused person because he is from his village.

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12. **P.W. 2** Satish Prasad is an injured witness who has stated in his examination-in-chief that the incident occurred 7-8 months ago at 7 A.M. Shailesh had quarreled with him and his 5 lakh rupees were dues against him and so, he used to demand that dues amount from Shailesh due to which Marpit occurred. This witness has identified the accused Shailesh.

In his cross-examination, this witness has stated that due to crowd he could not see who assaulted whom and the police did not ask anything from him.

13. **P.W. 3** Avinash Kumar has stated in his examination-in-chief that he has no knowledge regarding the occurrence. This witness has been declared hostile at the request of prosecution and has been cross-examined by the prosecution wherein he has denied the prosecution case.

In his cross-examination on behalf of the defence, this witness has stated that he had not seen the occurrence with his eyes and he cannot tell who assaulted whom by which thing in the occurrence and he identified the accused because he is from his village.

14. **P.W. 4** Jayanti Devi has stated in her examination-in-chief that the incident occurred 3-4 months ago and at that time she was not at home. When she came from the field, she heard that Marpit was committed for which case was filed against Shailesh. Satish Prasad had sustained injury near his eyes. This witness has identified the accused.

In her cross-examination, this witness has stated that she cannot tell the date of occurrence and she had not seen the occurrence with her eyes because at that time she was not at home. She did not see who assaulted whom by which thing. This witness has identified the accused because he is from her village.

15. **P.W. 5** Mayawati Kumari has stated in her examination-in-chief that the incident is of the year 2024 and at that time, it was 10-11 A.M. Marpit was committed by Shailesh.

In her cross-examination, this witness has stated that she did not see the occurrence with her eyes and she cannot tell who assaulted whom by which thing. She has further stated that she identifies the accused because he is from her village.

16. **P.W. 6** Dr. Sheo Kumar Prasad is the doctor who has stated in his examination-in-chief that on 24-08-2024, he was posted as Medical Officer at PHC Kako, Jehanabad and on that very day he examined the patient,

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1. Satish Prasad, aged about 53 years, Male, S/o- Late Rambhajan Mahto, R/o village- Khalispur, P.S.- Kako, Distt- Jehanabad at about 10:07 A.M. and found following injury on his body :-

- i. One lacerated wound of 3/4"x1/4" skin deep on left eyebrow
- ii. One lacerated wound of 3/4"x1/4" skin deep below left eyelid

Caused by hard blunt substance

Nature of injury- Both injury are simple. Due to no any bony fracture reported by radiologist CHC Kako x-ray centre.

Age of injury-Within 06 hours

On the evidence of this witness, the injury report has been marked Ext-P2/PW6.

In his cross-examination, this witness has stated that he has not mentioned the colour of injury and such type of injury may be due to fall on hard substance.

17. This much is the oral evidence on behalf of the prosecution. Out of the six witnesses examined on behalf of the prosecution, P.W. 1 Arun Kumar is the informant of this case who has stated in his cross-examination that he had not seen anybody assaulting and the application was written by Sonu Kumar, which was not read by him, and he only made his signature on it. P.W. 2 Satish Prasad is an injured witness, who has stated in his cross-examination that due to crowd he could not see by whom he sustained injury and the police did not ask anything from him. P.W. 3 Avinash Kumar has been declared hostile at the request of the prosecution and in his cross-examination on behalf of the defence, P.W. 3 has stated that he had not seen the occurrence with his eyes and he cannot tell who assaulted whom by which thing. P.W. 4 Jayanti Devi has stated in her cross-examination that she cannot tell the date of occurrence and she had not seen the occurrence with her eyes because at that time she was not at home. P.W. 5 Mayawati Kumari has also stated in her cross-examination that she cannot tell the date of occurrence and she had not seen the occurrence with her eyes and she cannot tell who assaulted whom by which thing. P.W. 1 to P.W. 5 have stated in their evidence that they identify the accused person because he is from their village. P.W. 6 Dr. Sheo Kumar Prasad has proved the injury report of the injured, but there is no reliable and trustworthy evidence on the record regarding the involvement of the accused person in the alleged occurrence.
18. In view of discussions made hereinabove, this court finds that the prosecution has failed to prove the charges levelled against the above named accused person beyond

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all shadow of reasonable doubts.

Hence, it is

ORDERED

that the accused person namely, Shailesh Kumar is acquitted of the charges as stated at the outset. The above named accused person is on bail and so he and his sureties are discharged from the liabilities of bail bond.

Pronounced, signed and sealed in the open court on this **10th day of April, 2026.**

(Dictated & Corrected)

(Dictated & Corrected)

(Brajesh Kumar)
Sessions Judge, Jehanabad
10.04.2026

(Brajesh Kumar)
Sessions Judge, Jehanabad
10.04.2026

Date of Judgment	10.04.2026
Date of reserving Judgment	NA
Uploading date	13.04.2026
Uploaded by	Ritesh Kr.