

STATE OF BIHAR VS. NIWAS YADAV & OTHERS

Date of recording Statement U/Sec 313 of Cr.P.C.	16.03.2026
Date of commencement of defense evidence	N.A.
Defense evidence closed	16.03.2026
Date on which judgment is reserved	23.05.2026
Date on which Judgment is Pronounced	05.06.2026
Date of the Sentencing Order, if any	N.A.

Accused Details:

S. No	Name of Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged U/S	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.
1.	Niwas Yadav	17.10.17	17.10.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.
2.	Niranjan Yadav	14.11.17	14.11.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.
3.	Baldev Yadav	17.10.17	17.10.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.
4.	Rupesh Yadav	16.10.17	16.10.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.
5.	Kaushlya Devi	16.10.17	16.10.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.
6.	Prabhu Yadav	14.11.17	14.11.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.
7.	Punam Devi	16.10.17	16.10.17	<u>307/34, 379, 341, 504 of IPC</u>	Acquitted	N.A.	N.A.

-:JUDGMENT:-

1. The above named seven accused namely (1) Niwas Yadav, (2) Niranjan Yadav, (3) Baldev Yadav, (4) Rupesh Yadav, (5) Kaushlya Devi, (6) Prabhu Yadav and (7) Punam Devi are charged for the commission of the offences punishable U/S-307/34, 379, 341, 504 of IPC and they are facing trial for the said of-

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fences.

FACTUAL BACKGROUND

2. The case of the prosecution as per fardbayan is that the informant, Juli Devi, wife of Sanjay Yadav, alleged that on 21.09.2017 at about 11:00 A.M., the accused persons, namely Niranjana Yadav, Prabhu Yadav, Niwas Yadav, Baldev Yadav, Rupesh Yadav, Kaushalya Devi and Poonam Devi, all residents of Village Ranichak Bakiya, P.S.-Barari, Dist-Katihar, Bihar, unlawfully came to her land and started constructing a wall thereon. When her brother-in-law, Birendra Yadav, objected to the said construction, the accused persons became aggressive and abused him. Thereafter, when the informant, her husband and her brother-in-law reached the spot to prevent the encroachment, all the accused persons allegedly assaulted them with fists, slaps, kicks and bamboo sticks, causing injuries. It is further alleged that during the occurrence, Niranjana Yadav assaulted the informant's husband and brother-in-law with a bamboo stick, and Poonam Devi snatched the silver chain worn by the informant and fled away.

3. On the basis of the fardbayan of the informant, Barari P.S. Case No. 308/2017 dated 27.09.2017 was instituted against the above named accused persons for the offences punishable U/S- 307/34, 323, 341, 379, 504 of IPC and upon completion of investigation, the charge-sheet was submitted against the present accused persons. Subsequently, cognizance of the offences u/s- 341, 323, 307, 379, 504/34 of IPC was taken by the court of Ld. A.C.J.M-V, Katihar against the above named accused persons.

4. After completion of the appearance of the above named accused, the complete sets of police papers were supplied to the accused and the then Ld. C.J.M., Katihar, committed the case record to the Court of Sessions, Katihar and accordingly, Sessions Trial Case No. 462/2018 was instituted and in due course of time, the case record was received to this court by the order of the Ld. Sessions Judge, Katihar for trial & disposal in accordance with law.

TRIAL PROCEEDINGS

6. Hearing rival arguments of both the sides, charges were framed for the offences punishable U/S-307/34, 379, 341, 379, 504 of IPC against the above named accused persons and the same were read over and explained to them in



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Hindi on 21.12.2018 to which they pleaded not guilty and claimed trial. Accordingly, the case was fixed for prosecution evidence.

7. To substantiate its case, the prosecution has examined altogether seven witnesses. The brief description, serial number, name of witnesses etc. are being produced here for easy reference. The prosecution has produced following evidence:-

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

EVIDENCE ON BEHALF OF PROSECUTION

A) ORAL EVIDENCE

Sl. No.	Name	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)	Date of examination
PW-01	Manoj Yadav	Hostile	12.12.2022
PW-02	Manto Kumar	Other Witness	12.12.2022
PW-03	Dr. Upendra Kumar Sinha	Other Witness	07.07.2023
PW-04	Bipin Yadav	Other Witness	10.08.2023
PW-05	Sanjay Yadav @ Janardan Yadav	Hostile	30.10.2025
PW-06	Juli Devi	Informant	30.10.2025
PW-07	Birendra Yadav @ Shashibhushan Kumar	Other Witness	22.11.2025



List of Prosecution /Defence/Court Exhibits

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	P1/PW-3	Injury report of Sanjay Yadav
2.	P1/1/PW-3	Injury report of Birendra Yadav
3.	P2/PW-6	Signature of informant at Fardbayan

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EVIDENCE ON BEHALF OF DEFENCE

Accused persons have not adduced either any oral or documentary evidence in support of their defence.

8. Thereafter, no other witnesses were examined by the prosecution and prosecution evidence was closed on 16.01.2026. The statements of the above named accused persons were recorded on 16.03.2026, U/S 313 Cr.P.C and all the incriminating evidences had been put to them in their vernacular language to which they stated that they have been falsely implicated in the present case and are innocent and on 16.03.2026, the defence evidence was closed on the prayer of the Ld. defence counsel. Accused persons have not produced any oral or documentary evidence in support of their defense.

POINT FOR DETERMINATION

9. The point for determination before this court is that whether the prosecution has been able to prove its case beyond the shadow of reasonable doubts against the accused persons or not?

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APPRECIATION OF EVIDENCE

10. Now, this court shall discuss all the evidence available on the records in the light of charges levelled against the accused persons.

(i) **PW-1 Manoj Yadav** was examined before the court and declared hostile on the request of Ld.P.P. He didn't support the prosecution in his deposition. He only stated that he did not know about the incident.

(ii) **PW-02 Manto Kumar** was examined before the court and declared hostile on the request of Ld.P.P. He didn't support the prosecution in his deposition. He only stated that he did not know about the incident.

(iii) **PW-03 Dr. Upendra Kumar Sinha** on 27.09.2017, he was posted as a Medical Officer at Barari Primary Health Centre (PHC). On that day, at about 4:30 PM, he examined Sanjay Yadav, aged about 40 years, son of Ramdev Yadav, resident of Bakiya Rani Chak, P.S. Barari, District Katihar, who was brought by his family members. Upon examination, he found a lacerated wound on the left side of the vertex of the scalp measuring 3" x ½" x ¼". The injured had a wound mark on the front side of the right foreleg as a mark of



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identification. The injury was within 24 hours old, caused by a hard and blunt object, and was simple in nature. The injury report was prepared by him, bears his signature, and he identify the same. It has been marked as Ext.-P1/PW-3. He further stated that on the same day, he also examined Virendra Yadav @ Shashi Bhushan Yadav, aged about 45 years, son of Late Dena Yadav, resident of Bakiya Rani Chak, P.S. Barari, District Katihar. On examination, he found the following injuries on his person: (i) a lacerated wound on the right parietal region measuring $3" \times \frac{1}{2}" \times \frac{1}{4}"$, and (ii) an abrasion on the right side of the abdomen measuring $4" \times \frac{1}{4}"$. A mole on the right little finger was noted as a mark of identification. Both injuries were within 24 hours old, caused by a hard and blunt object, and were simple in nature. The injury report was prepared by him, bears his signature, and he identify the same. It has been marked as Ext.-P1/1/PW-3.

(iv) **PW-04 Bipin Yadav** was examined before the court and declared hostile on the request of Ld.P.P. He didn't support the prosecution in his deposition. He only stated that he did not know about the incident and his statement was not recorded by the police.

(v) **PW-05 Sanjay Yadav @ Janardan Yadav** was examined before the court and declared hostile on the request of Ld.P.P. He didn't support the prosecution in his deposition. He only stated that He did not know about the incident and his statement was not recorded by the police. He further stated that he did not get injured.

(vi) **PW-06 Juli Devi** is the informant of this case. She stated that the occurrence took place about eight years ago at around 11:00 A.M. She had instituted a case against Baldev Yadav, Niranjana Yadav, Prabhu Yadav, Niwas Yadav, Kaushalya Devi, and Poonam Devi. She had sustained injuries in the occurrence and received medical treatment. However, she do not know who caused the injuries to her. The signature appearing on the written application of the FIR is her. She identify the same, which has been marked as Exhibit P-2/PW-6. She further stated that today, in Court, accused Niranjana Yadav and Baldev Yadav are present, and she identify them. She can also identify the other accused persons who are not present in Court today if they are shown to her.

During cross-examination, she stated that she had signed on a blank sheet of paper at the instance of the police. The accused persons had not assaulted her or caused any injuries to her. Today, he is deposing before the Court voluntar-



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ily, of her own free will, without any fear, pressure, coercion or undue influence from any person.

(vii) **PW-07 Birndra Yadav @ Shashibhushan Kumar** has stated that the incident took place about eight years ago at around 11:00 AM. Upon hearing an alarm, he rushed towards the place of occurrence. While going there, he collided with a wall and fell down, as a result of which he sustained a head injury. His statement was not recorded before the police. He declared hostile on the request of Ld.P.P.

ARGUMENT OF RIVAL CONTENDERS

11. BY PROSECUTION: -

Placing the case before the court, the Ld. Addl. P.P. for the State during the course of his argument has submitted that the prosecution by way of his arguments, has been able to duly prove the case and therefore, the accused persons be convicted and sentenced accordingly.

12. BY DEFENCE: -

The learned counsel arguing for the accused persons, submitted that the whole prosecution story to be false & concocted one. The Ld. Counsel submitted that five witnesses examined accordingly, it is prayed by the Ld. Counsel that the accused person deserves kind consideration of acquittal from the charges leveled against her.

DECISION AND REASON FOR THE DECISION

13. Having heard the arguments advanced by Ld. Addl. P.P. for State as well as the Ld. Counsel for accused persons and have meticulously perused the materials available on the case record.

14. Before going through the case and appreciating the evidence on record, I would like to state that, it is settled proposition of criminal law that the prosecution is supposed to prove its case on judicial file beyond the shadow of all reasonable doubt by leading reliable, cogent and convincing evidences and any such doubt in the prosecution story entitle the accused persons to acquittal.



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15. Further to prove its case on judicial files prosecution is supposed to stand on its own leg and it can't drive any benefit whatsoever from the weakness, if any, in the defence of the accused persons.

16. In a criminal trial, the burden of proving everything essential to the establishment of the charge against an accused always rests on the prosecution and there is a presumption of innocence in favour of the accused until the contrary is proved. Criminality is not to be presumed, subject to some statutory exceptions.

17. In the present case, the prosecution has examined seven witnesses in support of its case. The prosecution case, as in the fardbayan of the informant, Juli Devi, is that on 21.09.2017 at about 11:00 A.M., the accused persons formed an unlawful assembly, entered upon the disputed land of the informant and started constructing a wall thereon. It was further alleged that when objection was raised by Birendra Yadav and thereafter by the informant and her husband, the accused persons assaulted them with fists, slaps, kicks and bamboo sticks, causing injuries. It was also alleged that accused Poonam Devi snatched away the silver chain of the informant during the occurrence. However, from the evidence adduced during trial, it appears that the prosecution witnesses have not supported the prosecution case on material particulars. PW-1 Manoj Yadav, PW-2 Manto Kumar and PW-4 Bipin Yadav did not support the prosecution case and were declared hostile by the prosecution.

They merely stated that they had no knowledge regarding the alleged occurrence. PW-5 Sanjay Yadav @ Janardan Yadav, who was alleged to be one of the injured persons in the occurrence, also failed to support the prosecution case. He categorically stated that he did not know about the incident, that his statement was never recorded by the police, and further denied having sustained any injury. He was accordingly declared hostile by the prosecution. PW-7 Birendra Yadav @ Shashibhushan Kumar, another alleged injured witness, also did not support the prosecution version. He stated that while proceeding towards the place of occurrence after hearing an alarm, he collided with a wall and fell down, resulting in a head injury. He did not attribute any assault or overt act to any of the accused persons and was declared hostile. PW-6 Juli Devi, the informant herself, also failed to support the prosecution case. Although she admitted her signature on the written report, she specifi-

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cally stated that she did not know who caused injuries to her. During her cross-examination, she further stated that she had signed on a blank paper at the instance of the police and categorically deposed that the accused persons had neither assaulted her nor caused any injury to her. She further stated that she was deposing voluntarily and without any fear, pressure or coercion. Thus, the informant herself has not supported the allegations levelled in the FIR. PW-3 Dr. Upendra Kumar Sinha proved the injury reports of Sanjay Yadav and Birendra Yadav and found simple injuries caused by hard and blunt substance. However, the medical evidence merely establishes the existence of injuries and does not connect the accused persons with the alleged occurrence. In the absence of reliable and trustworthy ocular evidence, the medical evidence alone is insufficient to establish the guilt of the accused persons. It is further noteworthy that none of the prosecution witnesses has supported the allegation regarding assault, criminal trespass, unlawful assembly, construction over the disputed land or snatching of the silver chain. No independent witness has corroborated the prosecution version. The prosecution has thus failed to establish the manner of occurrence as alleged in the FIR. Therefore, it is evident that all the material witnesses, including the informant and the alleged injured persons, have not supported the prosecution case and have substantially demolished the prosecution story. There is no reliable evidence on record to prove the involvement of the accused persons in the alleged offences. The evidence available on record is wholly insufficient to bring home the charges levelled against the accused persons. Accordingly, this Court finds that the prosecution has failed to prove its case against the accused persons beyond all reasonable doubt.

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18. It is a settled principle of criminal law that the prosecution is supposed to prove its case on judicial file and the burden of proof in the criminal trial lies throughout upon the prosecution which never shifts.

CONCLUSION

19. On the basis of discussions made above and keeping in mind the entire prosecution evidence, I find and hold that the prosecution has not been able to prove the charges levelled U/S-307/34, 379, 341, 504 of IPC against the three accused persons namely (1) Niwas Yadav, (2) Niranjana Yadav, (3) Baldev Yadav, (4) Rupesh Yadav, (5) Kaushlya Devi, (6) Prabhu Yadav and (7)

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Punam Devi beyond the shadow of reasonable doubts. Hereinafter, order is passed.

ORDER

20. Therefore, the sole accused namely (1) Niwas Yadav, (2) Niranjan Yadav, (3) Baldev Yadav, (4) Rupesh Yadav, (5) Kaushlya Devi, (6) Prabhu Yadav and (7) Punam Devi are hereby acquitted from the charges of the offences punishable U/S-307/34, 379, 341, 504 of IPC. Accused persons are on bail, as such, they and their sureties are discharged from the liabilities of their respective bail bonds.

21. File be consigned to Record Room after due recall of process; issued if any; and return of original Documents; if any; to the parties and seized article if any; be disposed off as per rule.



Dated: The 5th day of June, 2026

Sunil Kumar Singh
05.06.26
(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-
III,
Civil Court, Katihar

This judgment has been written, corrected, signed, sealed, dated and pronounced by me in open court today i.e., on 05.06.2026

Sunil Kumar Singh
05.06.26

Dated: The 5th day of June, 2026



(Sunil Kumar Singh-III)
Distt. & Addl. Sessions Judge-
III,
Civil Court, Katihar

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FORM C

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EVIDENCE ON BEHALF OF DEFENCE

Accused persons have not adduced either any oral or documentary evidence in support of their defence.

Sunil Kumar Singh
05.06.26

Dated: The 5th day of June, 2026	(Sunil Kumar Singh-III) Distt. & Addl. Sessions Judge-III, Civil Court, Katihar
Date of Judgment	05.06.2026
Date of Reserving Judgment	05.06.2026
Uploading Date	
Uploaded by	