

IN THE COURT OF SHRI SANTOSH KUMAR

JUDICIAL MAGISTRATE FIRST CLASS

DISTRICT – MADHEPURA

Present- Santosh Kumar (संतोष कुमार)

[DATE OF JUDGMENT– [10/06/2026]

UDAKISHUNGANJ P.S CASE NO-87/15

REGISTRATION.NO. -21436/2015

FIR U/S 498(A),323,494,504,506 of the I.P.C.
Cognizance under Section 498(A),323,494,506 of the I.P.C.

Informant	Geeta Devi, W/O-Ayodhi Yadav R/O-Uda Purva, P.S-Udakishunganj, District – Madhepura.
Represented by	Obaidullah Learned APP for State.
Accused	1. Ayodhi Yadav@Ayodhya Yadav, Age-70 Years, S/O –Late Bhanu Yadav. R/O-Uda Purva, P.S-Udakishunganj, District – Madhepura
Represented by	Learned Counsel Shri Parmanand Yadav. Learned Counsel Shri Gopal Yadav.



PRESIDING OFFICER -SHRI SANTOSH KUMAR
STATE (GEETA DEVI) VS. AYODHI YADAV
REGISTRATION.NO- 436/2015
UDAKISHUNGANJ P.S CASE NO-87/15
DATE OF JUDGMENT - 10.06.2026

FORM B

*In the Light of Addenda and Corrigenda to Criminal Court rules of the Hon'ble High Court of Judicature at Patna
(Volume I) (Third edition)*

Date of offence	Continuing in nature since June 2014 till 08.06.2014. -
Date of FIR	13-06-2015
Date of Chargesheet	06.09.2016
Date of Cognizance	16.09.2016
Date of Charge Framed	25-07-2017
Date of commencement of Evidence	14-06-2023
Date on which Judgment is reserved	10-06-2026
Date of Judgment	10-06-2026
Date of sentencing order, if any	-

Accused details

Rank of the accused	Name of accused	Date of arrest	Date of release on bail	Offences charged with	Acquittal or conviction	Sentence Imposed	Detention during trial u/s 428 Cr. P.C
1.	Ayodhi Yadav	-	24-12-2016	498(A),323,494, 506 of the I.P.C	Acquitted	NIL	NIL

FORM C

In the Light of Addenda and Corrigenda to Criminal Court rules of the Hon'ble High Court of Judicature at Patna (Volume I) (Third edition)

A. PROSECUTION WITNESS:

Rank	Name	Nature of witness-Eye, Expert, Police, Medical, Other
PW1	Geeta Devi	Informant
PW2	Prayag Yadav	Interested witness
PW3	Bhagirath Yadav	Interested witness
PW4	Vinay Kumar	Interested witness

JUDGEMENT

1. By way of the present Judgment, this court shall dispose of the present case filed by the Geeta Devi (hereinafter referred to as 'Informant') against the aforementioned named accused persons stand charged and are facing trial for offences punishable under sections 498(A), 323, 494, 504, 506 of The Indian Penal Code.

2. It appears that the instant case was instituted by the informant in the form of a complaint on 09.06.2015. An order for investigation was issued by the learned court under section 156(3) of the Criminal Procedure Code. On 13.05.2015, an FIR was lodged in Udakishunganj P.S. Case No. 87/2015 against the aforementioned accused persons under sections 498(A), 323, 494, 504, 506 of the Indian Penal Code.

Case of the Prosecution.

3. The prosecution case, in brief, is that the complainant was married to the accused, and out of the said wedlock, four sons and three daughters were born. It is alleged that the accused left the village about 23-24 years ago, abandoning the complainant and their children without providing any financial or other support. The complainant further alleges that the accused returned to the village in the year 2014 and started residing with an unknown woman. Thereafter, the accused allegedly subjected the complainant to cruelty and repeatedly asked her to leave the matrimonial house, claiming that he had solemnized a second marriage with one Ramdulari Devi. It is further alleged that on 08.06.2015, the accused assaulted

the complainant and threatened to kill her. On the basis of these allegations, the present complaint came to be instituted against the accused.

Procedural Compliance

4. Based on Complaint petition Udakishunganj P.S. case No. 87/15 was registered and FIR was drawn. The investigation was carried by Shyam Kishore Prasad who upon completion of investigation submitted a charge-sheet against the accused u/s-498(A),494,323,506 of IPC.
5. Based on FIR, charge-sheet and case diary cognizance order was passed by Ld. JMFC Udakishunganj on dated 16.0.2016 u/s-498(A),494,323,506 of IPC against sole the accused persons.
6. After hearing the respective sides, on 25.07.2017, the court framed the charges under sections 498(A),494,323,506 of the IPC against accused persons namely, 1. Ayodhi Yadav. The charges were read and explained to the accused in Hindi, and they pleaded not guilty and claimed to be tried.
7. After closing of prosecution evidence, on 30.10.2025 the statement of the accused was recorded under Section 313 of the CrPC (Criminal Procedure Code). The accused denied the occurrence of the alleged offense and pleaded innocence.

POINT FOR DETERMINATION

8. Now the question which falls for consideration before this court is that whether the prosecution has been able to prove its case beyond the shadow of all reasonable doubt on the following charges: -
 - I. Whether the accused subjected the complainant to cruelty, both physical and mental, within the meaning of Section 498A of the Indian Penal Code, and thereby committed an offence punishable under Section 498A IPC?
 - II. Whether the accused voluntarily caused hurt to the complainant and thereby committed an offence punishable under Section 323 IPC?
 - III. Whether the accused, during the subsistence of his valid marriage with the complainant, contracted a second marriage and thereby committed an offence punishable under Section 494 IPC?



- IV. Whether the accused criminally intimidated the complainant by threatening her with injury to her person, reputation, or property and thereby committed an offence punishable under Section 506 IPC?

The Evidence of Prosecution

9. Upon reviewing the record, it is clear that the prosecution has presented four witnesses to establish the charges against the accused.
10. **CW1, Geeta Devi**, the complainant, deposed that she was married to the accused and that four sons and three daughters were born out of the wedlock. According to her, the accused neglected the family, did not maintain the children, and left the matrimonial home while she was pregnant. She further stated that the accused returned after about ten years and thereafter started assaulting and harassing her. She also alleged that the accused had solemnized a second marriage and had concealed the said fact from her.
11. In her cross-examination, CW1 admitted that she could not recall the date or year of her marriage with the accused. She further stated that approximately three bighas of land stand in the name of her son, acquired through a registered sale deed. She admitted that she could not remember the exact date and time of the alleged occurrence. She also stated that, since her husband had been absent from the village for a long period, she had described him as deceased ("Late") in the mutation application. She denied the defence suggestion that the present case had been instituted with the object of claiming a share in the land.
12. **CW2, Prayag Yadav**, deposed that the present case has been filed by the wife of Ayodhi Yadav. He stated that he does not remember when the marriage between the complainant and the accused was solemnized. According to him, the accused had left the matrimonial home about 20–25 years ago and, upon his return with another woman whom he claimed to be his second wife, started assaulting and harassing the complainant. He identified the accused in the courtroom. In his cross-examination, CW2 stated that the four sons of the accused had neither given any share in the family land to the accused nor maintained him. He further deposed that since the year 2014, Geeta Devi had not permitted the accused to reside in the house. He admitted that there had been no quarrel between the complainant and the accused since 2014, as they were not residing together. He further stated that the present case was filed by Geeta Devi when the accused started demanding his share in the land.
13. **CW3 Bhagirath Yadav** deposed that he did not remember when the marriage between the accused and the complainant was solemnized. He generally supported the prosecution case in his examination-in-chief. However, in his cross-examination,



he categorically stated that he had **no knowledge of the alleged incident**, that **no such quarrel had taken place between the parties**, and that the accused was his brother, due to which he knew him well. Thus, his testimony does not provide any direct evidence regarding the alleged acts of assault, cruelty, or harassment and substantially weakens the prosecution case.

14. CW4 Vinay Kumar deposed that he had **no knowledge of the case** but knew the accused. In his cross-examination, he further stated that **no such quarrel had occurred between the informant and the accused**. He also deposed that the accused was his uncle and, therefore, he was acquainted with him. Consequently, CW4 did not support the prosecution version and failed to corroborate the allegations made by the complainant.

Arguments

15. The Learned Counsel for the State has submitted that accused person are guilty. He has affirmed that all the prosecution witnesses have pointed towards the guilt of accused. He has submitted that prosecution has been able to bring home the charges. Per contra Ld. Counsel for the defence has submitted that the prosecution has not been able to establish its case, as the present case has been filed to obtain a share in the land, and PW3 and PW4 have not supported the prosecution case. It has been further contended that the case is merely aimed at harassing the accused person. It has also been submitted that the case has been instituted with a mala fide intention.

MARSHALLING & APPRECIATION OF THE EVIDENCE

Point No. 1

16. Whether the accused subjected the complainant to cruelty, both physical and mental, within the meaning of Section 498A IPC, and thereby committed an offence punishable under Section 498A IPC?
17. To bring home a charge under Section 498A IPC, the prosecution is required to establish that the complainant was subjected to cruelty by her husband or his relatives. Such cruelty must either be of a nature likely to drive the woman to commit suicide or cause grave injury or danger to her life, limb, or health, or it must be harassment with a view to coercing her or her relatives to meet any unlawful demand.
18. In the present case, CW1, the complainant, has alleged that the accused abandoned her and the children, returned after several years, and thereafter assaulted and harassed her. She further alleged that the accused had solemnized



a second marriage. However, apart from her own testimony, no independent witness has corroborated the allegation of cruelty. CW2, in his cross-examination, admitted that since 2014 the complainant had not permitted the accused to reside in the house and that there had been no quarrel between them as they were not residing together. He further stated that the case was filed when the accused started demanding his share in the land. CW3 and CW4 did not support the prosecution case and specifically stated that no such quarrel had taken place between the parties.

19. Further, there is no allegation or evidence of any unlawful demand of dowry. The evidence led by the prosecution does not disclose any specific act constituting cruelty within the meaning of Section 498A IPC. The testimony of CW1 remains uncorroborated on material particulars and is contradicted by the evidence of CW3 and CW4.

20. Accordingly, this Court is of the considered opinion that the prosecution has failed to prove the charge under Section 498A IPC beyond reasonable doubt. Therefore Point No. I is decided against the prosecution and in favour of the accused.

Point No. II

21. Whether the accused voluntarily caused hurt to the complainant and thereby committed an offence punishable under Section 323 IPC?

22. To establish an offence under Section 323 IPC, the prosecution must prove that the accused voluntarily caused bodily pain, disease, or infirmity to the complainant.

23. The prosecution case is that on 08.06.2015 the accused assaulted the complainant. However, no evidence has been brought on record to establish that the complainant sustained any injury. Further, no independent witness has supported the allegation of assault. CW3 and CW4 have specifically denied any quarrel between the parties. In the absence of independent corroboration, the solitary testimony of CW1 is insufficient to establish the charge beyond reasonable doubt, particularly when material contradictions emerge from the evidence of other prosecution witnesses. Therefore, the prosecution has failed to prove that the



accused voluntarily caused hurt to the complainant. Therefore Point No. II is decided against the prosecution and in favour of the accused.

Point No. III

24. Whether the accused, during the subsistence of his valid marriage with the complainant, contracted a second marriage and thereby committed an offence punishable under Section 494 IPC?
25. For proving an offence under Section 494 IPC, it is essential for the prosecution to establish not merely cohabitation with another woman but the factum of a valid second marriage performed with the requisite ceremonies recognized by law.
26. In the present case, CW1 has alleged that the accused had solemnized a second marriage with another woman. CW2 also stated that the accused returned with another woman claiming her to be his second wife. However, neither CW1 nor CW2 has stated when, where, and in whose presence the alleged marriage was solemnized. No witness to the alleged marriage has been examined. No documentary evidence has been produced. Most importantly, no evidence has been adduced regarding the performance of essential marriage ceremonies.
27. The law is well settled that mere cohabitation or representation as husband and wife is not sufficient to establish the offence of bigamy. The prosecution must prove the factum of a valid second marriage, which it has failed to do in the present case. Accordingly, the charge under Section 494 IPC remains unproved. Point No. III is decided against the prosecution and in favour of the accused.

Point No. IV

28. Whether the accused criminally intimidated the complainant by threatening her with injury to her person, reputation, or property and thereby committed an offence punishable under Section 506 IPC?
29. The prosecution has alleged that the accused threatened to kill the complainant. However, except for the bare assertion of CW1, there is no evidence regarding the nature, manner, or circumstances of the alleged threat. No independent witness has corroborated this allegation. CW3 and CW4 have denied the occurrence of any quarrel between the parties. Furthermore, the prosecution has not established that the alleged threat caused alarm to the complainant, which is an essential ingredient of the offence of criminal intimidation. In these circumstances, the evidence on record falls short of the standard required to sustain a conviction under Section 506 IPC. Accordingly, the prosecution has failed to prove the charge



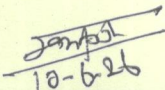
under Section 506 IPC beyond reasonable doubt. Point No. IV is decided against the prosecution and in favour of the accused.

Order

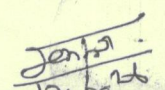
30. In view of the findings recorded on the above issues, this Court is of the considered opinion that the prosecution has failed to prove the charges under Sections 498A, 323, 494, and 506 of the Indian Penal Code against the accused Ayodhi Yadav beyond reasonable doubt. Accordingly, **Ayodhi Yadav @ Ayodhya Yadav is acquitted** of all the charges levelled against him by extending the benefit of doubt. Accused person is put to this liberty. Warrant of arrest, if any, issued by this court in relation to the arrest of the accused persons stands cancelled. The case stands disposed of. Office Clerk is directed to deposit the record in record room.

The Judgment pronounced in an open court on 10th Jun, 2026.

Typed and corrected by me.


10-6-26
Santosh Kumar
(संतोष कुमार)
Judicial magistrate First Class
Udakishunganj




10-6-26
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Judicial Magistrate First Class
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