

FORM A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, NALANDA AT BIHARSHARIF	
Present- Ankur Gupta, A.D.J.-III, [Date of judgement-16.07.2026]	
Sessions Trial No.-681/2021, C.I.S. No.-BRNL010079532021, Arising out of Giriyak P.S. Case No. 71/2018 corresponding G.R. No. 586/2018	
Informant/com-plainant	State through Shivnandan Yadav, S/O- Aklu Yadav, R/O: Village-Aadampur, P.S.- Giriyak, District- Nalanda
Represented by	Kumari Snehlata Sujal, Ld. A.P.P.
Accused	1. Naresh Yadav, S/o.- Late Parmeshwar Yadav, Aged 64 Years R/o. Village- Isapur, P.S.- Giriyak, Distt- Nalanda
Represented by	Sri Shashi Bhushan Kumar, Ld. Advocate

FORM B

Date of offence	25.02.2018
Date of FIR	25.02.2018
Date of charge-sheet/Issuance of process	30.03.2018
Date of cognizance	28.05.2018
Date of commitment	04.10.2021
Date of framing of charges	21.04.2022
Date of commencement of evidence	06.06.2022
Date on which judgment is reserved	02.07.2026
Date of judgment	16.07.2026
Date of sentencing order,if any	Not applicable

ACCUSED DETAILS

Rank of the ac-cused	Name of the accused	Date of arrest/ Surrender	Date of re-lease on bail	Offence charged with	Whether acquitted or con-victed	Sen-tence imposed	Period of de-tention un-dergone dur-ing trail for purpose of section 428 of Cr.P.C.
1.	Naresh Yadav, S/o.- Late Parmeshwar Yadav,	N.A.	13.03.2018	U/s- 341, 342, 323, 504, 307 I.P.C.	Acquitted	N/A	N.A.

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	Shivnandan Yadav	Informant
PW-2	Saryug Yadav	Witness of fact
PW-3	Indradev Prasad	Witness of fact

B. Defence witnesses, if any

Rank	Name	Nature of evidence(eye witness,police witness,expert witness, medical witness, panch witness other witness
Nil		

C. Court witness, if any

Rank	Name	Nature of evidence(eye witness, police witness, expert witness, medical witness,panch witness other witness
Nil		

FORM-D

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
Nil		

B. Defence

Sr. No.	Exhibit Number	Description
Nil		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
Nil		

JUDGMENT

1. Accused (1) Naresh Yadav is facing trial for the offences punishable under Sections 341, 342, 323, 504 and 307 of the Indian Penal Code for allegedly wrongfully re-straining and confining the informant, voluntarily causing hurt to him, intentionally insulting him and attempting to cause his death.

PROSECUTION CASE

2. The prosecution case, in brief, is that on 25 February 2018, at about 10:03 a.m., accused

Naresh Yadav abused the informant, Shiv Nandan Yadav. Thereafter, the accused allegedly tied a *gamchha* around the neck of the informant, dragged him and assaulted him with a lathi, as a result of which the informant became unconscious.

COGNIZANCE AND COMMITMENT

3. On the basis of the aforesaid allegations, Giriyak P.S. Case No. 71 of 2018 was registered and investigation was taken up.

Upon completion of the investigation, a charge-sheet was submitted against the accused. Cognizance of the offences was taken on 28 May 2018. Thereafter, the record of the case was committed to this Court vide order dated 4 October 2021.

CHARGE

4. On 21 April 2022, charges for the offences punishable under Sections 341, 342, 323, 504 and 307 of the Indian Penal Code were framed against the accused. The charges were read over and explained to him in Hindi, to which he pleaded not guilty and claimed to be tried.

STATEMENT OF ACCUSED

5. The statement of the accused under Section 313 of the Code of Criminal Procedure was recorded on 17 June 2026. He denied the incriminating evidence appearing against him, claimed the allegations to be false and pleaded innocence as his general defence.

POINT OF DETERMINATION

6. The only point for determination before this Court is:

Whether the prosecution has been able to prove the charges against the accused beyond reasonable doubt?

FINDINGS

7. In support of its case, the prosecution has examined three witnesses:

PW-1, Shiv Nandan Yadav;

PW-2, Saryug Yadav; and

PW-3, Indradev Prasad.

8. **PW-1** is the informant of the case. In his examination-in-chief, he stated that the occurrence had taken place about three years earlier. He was returning from Barnaman when accused Naresh Yadav met him and demanded repayment of his money. When this witness did not pay the money, the accused pushed him, as a result of which he sustained an injury on his head.

However, in his cross-examination, PW-1 stated that he knew the accused and used to

have financial dealings with him. More importantly, he specifically stated that the accused had not assaulted him. He further stated that the police had obtained his thumb impression on a blank sheet of paper at the police station.

9. **PW-2 and PW-3** stated that they had no knowledge regarding the occurrence. Both witnesses were accordingly declared hostile by the prosecution.

Thus, although the informant alleged in his examination-in-chief that accused Naresh Yadav had assaulted him, he resiled from the said allegation during his cross-examination and categorically stated that the accused had not assaulted him. His testimony, therefore, does not inspire confidence and cannot safely be relied upon for recording a conviction.

10. Apart from the informant, no other witness has supported the prosecution case. PW-2 and PW-3 have not stated anything regarding the alleged occurrence. The doctor who allegedly examined the injured and the investigating officer of the case have also not been examined. Consequently, neither the alleged injuries nor the manner and place of occurrence have been duly proved.

11. The prosecution has also failed to produce any reliable evidence to establish that the accused wrongfully restrained or confined the informant, intentionally insulted him or committed any act with the intention or knowledge necessary to constitute an offence under Section 307 of the Indian Penal Code.

12. The material contradictions in the testimony of the informant, the complete lack of support from the other witnesses and the non-examination of the doctor and the investigating officer create serious doubt regarding the truthfulness of the prosecution case.

13. In a criminal trial, the prosecution is required to prove its case beyond reasonable doubt. The accused is entitled to the benefit of every reasonable doubt arising from the evidence on record.

14. In view of the foregoing discussion, this Court finds that the prosecution has failed to prove the charges against the accused beyond reasonable doubt. The accused is, therefore, entitled to the benefit of doubt. It is therefore

ORDERED

15. That accused (1) Naresh Yadav is found not guilty of the offences punishable under Sections 341, 342, 323, 504 and 307 of the Indian Penal Code and is hereby **ACQUITTED** of all the aforesaid charges. The accused is on bail. He and his bailors are discharged from the liabilities of bail bond.

16. Let a copy of this judgment be sent to the learned District Magistrate in compliance with Section 365 of the Code of Criminal Procedure. The record be consigned to the record room in accordance with the rules.

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, NALANDA AT BIHARSHARIF

Present- Ankur Gupta, Addl.S.J.-III,

S.T. No.-681/2021, Giriyak P.S. Case No. 71/2018

State Vs Naresh Yadav

[Date of Judgment-**16.07.2026**]

5/5

17. This judgment is pronounced on **16th day of July, 2026** in the open court by me.

(Dictated & Corrected by me)

(Ankur Gupta)
District. & Addl. Sessions Judge-III
Nalanda at Bihasharif
16.07.2026

(Ankur Gupta)
District. & Addl. Sessions Judge-III
Nalanda at Bihasharif
16.07.2026