

IN THE COURT OF ADDITIONAL SESSIONS JUDGE 2nd NALANDA AT BIHARSHARIF

Present: Sri Akhauri Abhishek Sahay
Additional Sessions Judge 2nd
Nalanda at Biharsharif

[Date of Judgment: 18-03-2026]

Sessions Trial No: 157 / 2025

The State of Bihar V/S Mukesh Yadav & Others

Police Station Harnaut {FIR No. 297 / 2016}

Cognizance U/s: 341, 323, 324, 308, 379/34 IPC

Charge framed U/s: 341, 323, 324, 308, 379/34 IPC.

FORM: A

Informant-Akhalesh Kumar	State of Bihar Through Prosecution
Represented by	Sri Amir Prasad Singh, A.P.P
Accused persons	1. Mukesh Yadav, aged about 36 Yrs. 2. Rambaran Yadav, aged about 63 Yrs. 3. Priti Devi@Dhansi Devi, aged about 32 Yrs.
Represented by	Sri Pramod Kumar, Advocate

FORM: B

Date of offence	14-11-2016
Date of F.I.R	14-11-2016
Date of Original Charge Sheet	17-05-2017
Date of Supp. Charge Sheet	-
Date of Commitment of Record	31-01-2025
Date of framing of Charges	19-08-2025
Date of commencement evidence	08-09-2025
Date on which Judgment is reserved	18-03-2026
Date of Judgment	18-03-2026
Date of Sentence	-
Date of Arrest	28-02-2017, 17-10-2024
Date of release on bail	28-02-2017, 17-10-2024
Whether Acquitted or Convicted	Acquitted

FORM: C

LIST OF PROSECUTION /DEFENCE/COURT WITNESS

A Prosecution

RANK	NAME	NATURE OF EVIDENCE {Eye witness, Police witness, Expert witness, Medical witness, Punch witness, Other witness}
PW-1	Sunita Devi	Other witness
PW-2	Akhalesh Kumar (Informant)	Eye witness

FORM : D

LIST OF PROSECUTION /DEFENCE/COURT EXHIBITS

B Prosecution

Sl. No.	Exhibit No.	Description
1.	P-1/PW2	The writing and signature of informant on written application

C. Material Exhibit

Sl. No.	Exhibit No.	Description
-	-	-

J U D G M E N T

1. The above accused persons Mukesh Yadav, Rambaran Yadav and Priti Devi @ Dhansi Devi are facing trial for the offences punishable under sections 341, 323, 324, 308, 379/34 IPC for attempting to commit culpable homicide amounting to murder of informant Akhlesh Kumar with lathi-danda and spade.
2. The prosecution story of the case is that informant Akhlesh Kumar, son of Rambaran Yadav, village Chhoti Muradhi, Police Station Harnaut, District Nalanda said that on 14.11.2016 at about 11:30 A.M, while the informant was going to his field, in the way near Devi Asthan, his father handed over the spade to his brother Mukesh Yadav and said him to kill the informant. Then, after Mukesh Yadav with intention to kill gave spade blow which hit mouth of the informant and blood oozed out. The informant fell down on the ground and then Rambaran Yadav took away his golden Bajrangbali locket. When the informant tried to flee away, Dhansi Devi wife of Mukesh Yadav made attempt to assault with lathi but the informant succeeded in fleeing away. The motive behind the occurrence is said to be family dispute.
3. On the basis of the written application of the informant, Harnaut P.S. Case No. 297/16 dated 14.11.2016 under sections 341, 323, 324, 308, 379/34 IPC against Mukesh Yadav and Rambaran Yadav was registered and investigated. After investigation, Police submitted charge-sheet no. 44/17, dated 17.05.2017 for the offence under sections 341, 323, 324, 308, 379/34 IPC against Mukesh Yadav, Rambaran Yadav and Priti Devi @ Dhansi Devi. The learned lower Court took cognizance on 15.06.2017 under sections 341, 323, 324, 308, 379/34 IPC against Mukesh Yadav, Rambaran Yadav and Dhansi Devi was committed to the Court of Sessions on 31.01.2025. After transfer the said record was received in the Court of ADJ-III on 21.02.2025. The said record was received in the Court of ADJ-II on 02.05.2025. This record was put up before me for the first time on the 22.05.2025 against Mukesh Yadav, Rambaran Yadav and Priti Devi @ Dhansi Devi.
4. The charges have been framed in this case on 19.08.2025, under sections 341, 323, 324, 308, 379/34 IPC against Mukesh Yadav, Rambaran Yadav and Dhansi Devi and the same were read over and explained in Hindi to accused persons Mukesh Yadav, Rambaran Yadav and Dhansi Devi who denied the charges and claimed to be tried.
5. **Point for consideration:** - Whether accused persons Mukesh Yadav, Rambaran Yadav and Dhansi Devi have attempted to commit culpable homicide amounting to murder of informant Akhlesh Kumar with lathi-danda and hoe.
6. **Evidence of the Prosecution Witnesses:** -In order to substantiate the charges as levelled against accused persons Mukesh Yadav, Rambaran Yadav and Dhansi Devi the prosecution has examined altogether two witnesses, PW-1- Sunita Devi and PW-2- Akhlesh Kumar(Informant). Prosecution produce one documentary evidence as P-1/PW2- the writing and signature of informant on written application. Defence did not produce any documentary or oral evidence.
7. **PW-1 Sunita Devi** who said in her examination-in-chief that Akhlesh is her son. She came to know about the incident afterwards that both brother Akhlesh and Mukesh had an altercation. She has not seen who was assaulted. She has been declared hostile. She has denied her statement under section-161 Cr.P.C. made before the Police. She also denied that in the collusion with the accused persons she is hiding the truth and giving false statement. She identified the accused persons who are present in the Court as well as the persons who were not present before the Court. In her cross examination she has said that her statement was not taken by the Police. She lives with the informant Akhlesh Yadav. The accused of this case is his son Mukesh, her husband Rambaran Yadav and her daughter in law is Dhansi Devi. She has no knowledge why the quarrel took place.
8. **PW-2- Akhlesh Kumar** said in his chief examination that he is the informant of the case. He has written the application and put his signature which has been marked as Exhibit-P1/PW2. He has given the application at Harnaut Police Station. On the basis of his

application Harnaut P.S. Case No. 297/16 has been registered. The incident was of November, 2016 at 11:00 AM. At the time of incident, he was going to his field. When he reached at Devi Asthan then at that place Mukesh and Rambaran Yadav assaulted him. Mukesh Yadav gave fist blow on the mouth. He said that both persons have assaulted him but he again stated that only Mukesh was assaulted. He was assaulted with fist and he fell down. The barangbali locket has fallen on the ground which he recovered. At the time of incidence, there was no persons. Villagers came after the incident. When he fell down accused persons helped him to get normal. He went to his house then after he went to police station. He has gone to hospital after police station. This incident took place due to self-discord. He identified the accused person who present in the Court. He can also identify other accused persons if they are present before the Court. Police did not take his statement. It is wrong to say that Police has again inquired him and he has narrated same thing which has been written in his application. In his cross examination he said that Mukesh Yadav is his own brother and Rambaran yadav is his father and Dhansi Devi is his sister in law. Accused persons have not assaulted him with intention to kill. There was altercation with accused persons and he fell down and was injured. Mukesh Yadav and Rambaran Yadav took him to the hospital. Bajrangbali locket has fallen on the earth which was recovered by him. In this case there was no statement before Police. There has been settlement between his brother and his father and now there is no dispute among them. There is no eye witnesses of this incident.

9. After completion of trial on 16.02.2026 the statement of accused persons Mukesh Yadav, Rambaran Yadav and Dhansi Devi was recorded under section 313 Cr.P.C. They denied the allegation and claimed to be innocent. The case of defence is only denial of the occurrence. Since then, it was put for defence evidence. The defence has given an application that he does not want to examine any defence witnesses. Hence the record was put up for argument.
10. Now the point to be determined before this Court is that whether the prosecution has been able to prove the charges as levelled against accused persons Mukesh Yadav, Rambaran Yadav and Dhansi Devi shadow of all reasonable doubt?

FINDINGS

11. Heard the argument of the learned counsel for defence as well as learned Additional P.P. for the State. Learned counsel for the defence had argued that during the course of trial the prosecution has examined altogether two witnesses before the Court, out of whom P.W-1 has been declared hostile. She said in her cross examination that her statement was not taken by the Police. She lives with the informant Akhlesh Yadav. The accused of this case is his son Mukesh, her husband Rambaran Yadav and her daughter in law is Dhansi Devi. She has no knowledge why the quarrel took place. P.W.-2 is the informant of the case. He further said in his cross examination that Mukesh Yadav is his own brother and Rambaran yadav is his father and Dhansi Devi is his sister in law. Accused persons have not assaulted him with intention to kill. There was altercation with accused persons and he fell down and was injured. Mukesh Yadav and Rambaran Yadav took him to the hospital. Bajrangbali locket has fallen on the earth which was recovered by him. In this case there was no statement before Police. There has been settlement between his brother and his father and now there is no dispute among them. There is no eye witnesses of this incident. After taking all steps by the Court as well as by the prosecution, neither I.O. nor the Doctor of the case turn up to depose their evidence, So, neither formal FIR nor Chargesheet nor injury report were proved. On the above facts and circumstances no witnesses have supported the case beyond the shadow of reasonable doubts 341, 323, 324, 308, 379/34 IPC. Hence, Mukesh Yadav, Rambaran Yadav and Priti Devi @ Dhansi Devi may be acquitted.
12. The Additional P.P. argued and stated the fact that from the evidence collected during trial it is clear that prosecution has examine two witnesses. PW-1 was declared hostile as she has not seen the incident and had no knowledge about the incidence. PW-1 in her examination -in-chief she said that Akhlesh is her son. She came to know about the incident afterwards that both brother Akhlesh and Mukesh had an altercation. PW-2 who is the informant of the case. He has supported the case of prosecution. He said that he is the informant of the case. He has written the application and put his signature which has been marked as Exhibit-P1/PW2. He has given the application at Harnaut Police Station. On the basis of his application Harnaut P.S. Case No. 297/16 has been registered. The incident was of November, 2016 at 11:00 AM. At the time of incident, he was going to his field. When he reached at Devi Asthan then at that place Mukesh and Rambaran

Yadav assaulted him. Mukesh Yadav gave fist blow on the mouth. He said that both persons have assaulted him but he again stated that only Mukesh was assaulted. He was assaulted with fist and he fell down. The barangbali locket has fallen on the ground which he recovered. At the time of incidence, there was no persons. Villagers came after the incident. When he fell down accused persons helped him to get normal. He went to his house then after he went to police station. He has gone to hospital after police station. This incident took place due to self-discord. He identified the accused person who present in the Court. He can also identify other accused persons if they are present before the Court. The Additional P.P. argued further that after taking all steps I.O. and Doctor were not examined. So, neither formal FIR nor Charge Sheet nor injurt report were proved. So, from perusal of statement of above witnesses it appears that although one witness was declared hostile but informant had supported the case of prosecution. The informant had said that Police did not take his statement. It is wrong to say that Police has again inquired him and he has narrated same thing which has been written in his application. So, on the basis of evidence the judgment may be passed.

13. Hearing both the parties and going through the oral as well as the documentary evidence it is clear that all together two witnesses were examined by the prosecution. One of the witness P.W-1 was declared hostile. P.W-1 Sunita Devi who said that Akhlesh is her son. She came to know about the incident afterwards that both brother Akhlesh and Mukesh had an altercation. She has not seen who was assaulted. She has been declared hostile. She further said that her statement was not taken by the Police. She lives with the informant Akhlesh Yadav. The accused of this case is his son Mukesh, her husband Rambaran Yadav and her daughter in law is Dhansi Devi. She has no knowledge why the quarrel took place. PW-2 who is informant has supported the case of prosecution. He said in his examinstion in chief that he is the informant of the case. He has written the application and put his signature which has been marked as Exhibit-P1/PW2. He has given the application at Harnaut Police Station. On the basis of his application Harnaut P.S. Case No. 297/16 has been registered. The incident was of November, 2016 at 11:00 AM. At the time of incident, he was going to his field. When he reached at Devi Asthan then at that place Mukesh and Rambaran Yadav assaulted him. Mukesh Yadav gave fist blow on the mouth. He said that both persons have assaulted him but he again stated that only Mukesh was assaulted. He was assaulted with fist and he fell down. The barangbali locket has fallen on the ground which he recovered. At the time of incidence, there was no persons. Villagers came after the incident. When he fell down accused persons helped him to get normal. He went to his house then after he went to police station. He has gone to hospital after police station. This incident took place due to self-discord. He identified the accused persons. Police did not take his statement. It is wrong to say that Police has again inquired him and he has narrated same thing which has been written in his application. In his cross examination he said that Mukesh Yadav is his own brother and Rambaran Yadav is his father and Dhansi Devi is his sister in law. Accused persons have not assaulted him with intention to kill. There was altercation with accused persons and he fell down and was injured. Mukesh Yadav and Rambaran Yadav took him to the hospital. Bajrangbali locket has fallen on the earth which was recovered by him. In this case there was no statement before Police. There has been settlement between his brother and his father and now there is no dispute among them. There is no eye witnesses of this incident. After taking several steps by the Court as well as by the prosecution the I.O and the Doctor did not appear and so neither FIR nor Charge Sheet nor injury report were proved. The informant himself said that he felt down and got injured. There was no eye witness. There was only altercation. So, from the above fact, the prosecution was unable to prove the charge levelled against the accused persons against Mukesh Yadav, Rambaran Yadav and Priti Devi @ Dhansi Devi beyond the shadow of reasonable doubt for the offence punishable under sections U/S. 341, 323, 324, 308, 379/34 IPC.

Therefore, prosecution was unable to prove the case of prosecution. Neither the informant has taken name of any accused persons rather he said that as he feld down he got injury. So, prosecution was unable to prove charges levelled against the accused persons against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi beyond the shadow of reasonable doubt for the offence punishable under sections U/S. 341, 323, 324, 308, 379/34 IPC.

From above facts and circumstances, it appears that prosecution is full of inconsistency, infirmity, short coming and contradiction which makes entire allegation of the prosecution highly doubtful and unreliable. As the informant has said that there was no intention of accused persons to kill informant. There was altercation with accused

persons and he fell down and was injured. Mukesh Yadav and Rambaran Yadav took him to the hospital. Bajrangbali locket has fallen on the earth which was recovered by him. did not took the name of accused persons. On perusal it appears that prosecution has miserably failed to prove the charges levelled against the accused persons against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi under sections 341, 323, 324, 308, 379/34 IPC. On perusal it appears that prosecution was unable to prove its case against against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi under sections 341, 323, 324, 308, 379/34 IPC. And thus, accused persons against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi deserve acquittal from charge punishable under sections 341, 323, 324, 308, 379/34 IPC.

It is, therefore,

ORDER

14. That, in view of above discussions and finding and also going through the facts and circumstances of the case, I am of the view that the prosecution has miserably failed to prove it's allegations Under Sections 341, 323, 324, 308, 379/34 IPC as levelled against against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi beyond the shadow of all reasonable doubt. So accused persons against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi are found not guilty for the offenses punishable Under Sections 341, 323, 324, 308, 379/34 IPC as levelled against them. Hence, above named accused persons against Mukesh Yadav, Rambaran Yadav and Dhansi Devi @ Priti Devi are hereby acquitted from offenses punishable Under Sections 341, 323, 324, 308, 379/34 IPC. They are hereby released from liability of their bail bond.

(Delivered and pronounced in open Court on 18-03-2026)

Written and corrected by me,

Sd/-
(Akhauri Abhishek Sahay)
Addl. Sessions Judge IInd
Nalanda at BiharSharif.

Sd/-
(Akhauri Abhishek Sahay)
Addl. Sessions Judge IInd
Nalanda at BiharSharif.

Details of the Accused persons:

Rank of the Accused	Name of the Accused	Date of Arrest	Date of release on bail	Offences charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of detention during trial for purpose of section 428 Cr.pc
1.	Mukesh Yadav	-	28-02-2017	U/s: 341, 323, 324, 308, 379/34 of the IPC	Acquitted	NO	NO
2.	Rambaran Yadav	-	28-02-2017	Do	Acquitted	NO	NO
3.	Dhansi Devi	-	17-10-2024	Do	Acquitted	NO	NO

Sd/-
(Akhauri Abhishek Sahay)
Addl. Sessions Judge-IInd
Nalanda at BiharSharif.