



Presented on : 18-03-2024
Registered on : 18-03-2024
Decided on : 29-06-2026
Duration : 2 years, 3 months, 11 days

FORM – A

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-IInd,
Nalanda at Biharsharif**
Present : Khyati Singh
[Date of Judgment – 29.06.2026]
State Versus Mangal Yadav & Others
Sessions Trial No. 212/2024, CNR No. BRNL010019852024
[Arising out of Bind P.S. Case No. 105/2022, G.R. No. 3298/2022]

PROSECUTION/INFORMANT	Punita Devi
REPRESENTED BY	Sri Amir Prasad Singh, Ld. Addl. P.P.
ACCUSED PERSONS	1. Mangal Yadav, aged about 28 years, 2. Rudal Yadav, aged about 26 years, 3. Bibhishan Kumar, aged about 25 years, all are sons of Mitthu Yadav, r/o mohalla-Madanchak, P.S.-Bind, District Nalanda
REPRESENTED BY	Sri Mukesh Prasad (Ld. Advocate)

FORM – B

Date of offence	15-07-2022
Date of FIR	15-07-2022
Date of charge sheet	31-01-2023
Date of cognizance	14-07-2023
Date of commitment	12-03-2024
Date of framing of charge	17-05-2024
Date of commencement of evidence	03-09-2024
Date on which Judgment is reserved	-
Date of the Judgment	29-06-2026
Date of the Sentencing order	-

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-II,
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ACCUSED DETAIL

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, Cr. P.C.
A1	Mangal Yadav	29-08-22	03-12-22	U/s 341/34, 323/34, 504/34, 308/34, 448/34 IPC	Acquitted	-	-
A2	Rudal Yadav	-	10-01-23	- DO -	Acquitted	-	-
A3	Bibhishan Kumar	-	10-01-23	- DO -	Acquitted	-	-

FORM C

Prosecution Witnesses

RANK	NAME
P.W.1	Shambhu Yadav
P.W.2	Punita Devi
P.W.3	Manoj Kumar
P.W.4	Bebi Devi

FORM D

Defence Witnesses

RANK	NAME
NIL	NIL

FORM E

Court Witnesses, if any

RANK	NAME
NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A Prosecution

B

S.No	Exhibit number	Description
1	P-1/PW-2	Signature of the informant on the written report

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B Defence exhibits:-

Sl No.	Exhibit number	Description
1.	NIL	NIL

C. Court Exhibits

Sl No.	Exhibit number	Description
1.	NIL	NIL

JUDGMENT

1.	The above named accused persons stand charged for committing the offences punishable u/s 341/34, 323/34, 504/34, 308/34, 448/34 of the IPC.
2.	The case of the prosecution as unfolded in the written report of the informant, namely, Punita Devi, in brief, is that on 15.07.2022 the informant along with her husband had gone to Nanihal for some reason. On that day at about 08:30 P.M., she was sitting at the door of her maternal uncle along with her husband, then the accused Mangal Yadav, Rudal Yadav and Bibhishan Kumar came there and started abusing and assaulting her husband. When she rushed to save him, they assaulted at her head with iron rod due to which she sustained injury at her head and fell down. After that the accused persons fled away. Since the blood was oozing out from her head, the family members of the informant took her to the Bind Primary Health Center. It has been stated that the cause of occurrence is the land dispute.
3.	The said written report of the informant gave birth to the institution of Bind P.S. case no. 105/2022 dated 15.07.2022 registered u/s 341, 323, 354, 308, 504/34 of the IPC against the accused persons as named in the written report. The I.O. has submitted the charge sheet bearing No.06/2023 dated 31.01.2023 against the above named accused persons u/s 341, 323, 308, 448, 504/34 of the IPC.
4.	The cognizance of the offences was taken by the learned Judicial Magistrate-1st Class, Nalanda at Bihar Sharif on 14.07.2023 u/s 341, 323,

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- 308, 448, 504/34 of the IPC against the above named accused persons and the case was committed to the Court of Sessions on 12.03.2024. After that, the case record was received to the Court of Sessions on 18.03.2024 and then in due course of time it came to the file of this Court on 16.06.2025.
5. The charges were framed against the above named accused persons u/s 341/34, 323/34, 504/34, 308/34, 448/34 of the IPC and the same were read over and explained to them in Hindi on 17.05.2024 to which they pleaded not guilty and claimed to be tried.
6. The defence of the accused persons is the total denial of allegations levelled against them and their involvement in the occurrence and they have stated that they are innocent and have been made victim of the false implication.
7. Now, the point for determination in this case is whether the prosecution has been able to prove the charges levelled against the accused persons beyond the shadow of all reasonable doubts.
8. **FINDINGS**
- (a) In this case the prosecution has adduced and examined altogether four witnesses mentioned as follows :-
- | S.No | NAME OF THE WITNESSES | EVIDENCE |
|------|-----------------------|----------|
| 1 | Shambhu Yadav | P.W.1 |
| 2 | Punita Devi | P.W.2 |
| 3 | Manoj Kumar | P.W.3 |
| 4 | Bebi Devi | P.W.4 |
- (b) The prosecution has adduced one documentary evidence -
- | S.No | Exhibit number | Description |
|------|----------------|--|
| 1. | P-1/PW-2 | Signature of the informant on the written report |
- On the other hand, neither oral nor documentary evidence has been adduced on behalf of the defence.
9. Now, the evidences, thus, adduced and examined shall be analysed in the light of the material particulars of this case as under:
- P.W-1 Shambhu Yadav & PW-4 Bebi Devi** have been declared hostile by

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the prosecution and have not supported the prosecution case at all.

PW-2 Punita Devi, the informant, has said in her examination in chief that the occurrence took place three years back and at that time she was her Nanihal. She felt that the accused Mangal Yadav, Rudal Yadav and Bibhishan Kumar are abusing. When she went there then, they assaulted her with iron rod due to which she sustained cut injury at her head. She went to Bind Police station for treatment and from there she went to Bind Primary Health Center. She has proved her signature on the written report as Exhibit-P1/PW-2. In her cross examination in para-7 she said that when she went to save her husband then she fell down on the stairs and sustained cut injury at her head. In para-8 she stated that she does not remember as to who had written the application which was given to the Police station. She also said that she put her signature on that without reading that and she does not know as to what was written in that. In para-9 she said that the Police personnel did not read over to her. She has also stated in para-10 that she has entered into compromise with the accused persons. In para-12 she said that she does not want to contest this case.

PW-3 Manoj Kumar is the husband of the informant and he has said in her examination in chief that the occurrence took place about three years back. On that day his wife had gone to village Madanchak at her Nani Sasural and he had also gone with her. He further said that at the time of occurrence her wife was in the house of her Nani Sasural. She was sitting and crying there. He said that he did not see the oozing out of blood. He also said that his statement was not recorded by the Police. After that this witness has been declared hostile by the prosecution. In her cross examination by defence he has stated in para-5 that he did not see anybody who was assaulting. In para-6 he stated that he is not having knowledge about the fact as on date that how his wife sustained injury.

10. The learned counsel appearing on behalf of the accused persons submitted

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during argument that the accused persons are innocent and have been falsely implicated in this case. He has further advanced his argument that none of the witness including the informant and her husband has supported the prosecution case. As such, the accused persons deserve the acquittal.

On the other hand, the learned Addl.P.P. has argued that the occurrence took place, but why the witnesses have not supported the prosecution case, the reasons best known to them.

11. Heard both the parties and perused the record. From perusal of the record it transpires that altogether four witnesses have been produced and examined by the prosecution and out of them PW-1 & PW-4 have been declared hostile by the prosecution and have not supported the case at all. Further, PW-2, the informant, has said in her cross examination in para-7 that when she went to save her husband then, she fell down on the stairs and sustained cut injury at her head. She also said that she does not remember as to who had written the application which was given by her to the Police. She has also said that she put her signature on that without going through that and she does not know as to what was written on that. She also said that the application was not read over to her by the Police. Hence, the evidence of the informant is full of lacunae. Further, P.W.-3 is the husband of the informant and one of the victim of this case also and he has said in his examination in chief itself that he did not see the oozing out of the blood and his statement was also not recorded by the Police. Further, in his cross examination he has said that he did not see anybody who was assaulting. He also said that he is not having knowledge as on date as to who assaulted his wife. Hence, the evidence of this witness also is not going to support the prosecution in any way. None other witness including the I.O. and the doctor came before the Court to support the prosecution case though ample opportunities were given and the processes were issued by the Court. But, all was in vain.

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Thus, in view of the aforesaid facts and circumstances and the discussion made above, I find that the prosecution has miserably failed to establish the charges levelled against the above named accused persons u/s 341/34, 323/34, 504/34, 308/34, 448/34 of the IPC beyond shadow of all reasonable doubts. Accordingly, the accused persons, namely, **(1)Mangal Yadav, (2) Rudal Yadav and (3) Bibhishan Kumar** are acquitted under the aforesaid charges. They are set at liberty and are discharged from the liability of their respective bail bonds.

Sd/-
(Khyati Singh)
Distt. & Additional Sessions Judge -IInd
Nalanda at Biharsharif
29-06-2026

Dictated & Corrected by me,
Sd/
(Khyati Singh)
Distt. & Additional Sessions Judge – IInd
Nalanda at Biharsharif
29-06-2026

Date of Judgment/Order	29-06-2026
Date of Reserving Judgment/Order	-
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