

FORM A

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
NAWADA**

Ashutosh Kumar Jha

Date of the Judgment:

07.04.2026

S.Tr. Case No-609/2024

(Details of FIR/Crime and Police Station)

(Arising out of commitment order dated 23.09.2024 passed in
Meskaur (Sirdalla) P.S. Case No.-160/2022 G.R. No.-1471/2020)

Informant	STATE OF BIHAR Through Satyendra Prasad Singh, s/o-Late Ramswarup Prasad, r/o vill.-Mirzapur Tola Newalchak, P.S.-Meskaur, Distt.-NawadaInformant
REPRESENTED BY	Shri Manoj Kumar Singh, P.P..
ACCUSED	1. Ajit Kumar, aged about - 28 Years, s/o- Lalan Yadav 2. Sujit Kumar, aged about-34 Years, s/o- Lalan Yadav 3. Sunil Kumar @ Shyamsunil Kumar, aged about- 51 Years, s/o-Lalan Yadav 4. Shambhu Kumar, aged about-30 Years, s/o-Munshi Yadav 5. Munshi Yadav, aged about-72 Years, s/o-Late Bhogi Yadav 6. Saryu Yadav, aged about-67 Years, s/o- Late Bhogi Yadav 7. Lalan Yadav, aged about-74 Years, s/o- Late Bhogi Yadav 8. Masudan Yadav, aged about-36 Years, s/o-Saryu Yadav 9. Sanjay Yadav, aged about-44 Years, s/o-



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	<p>Late Kewal Yadav</p> <p>10. Munna Yadav, aged about-43 Years, s/o-Late Kewal Yadav</p> <p>11. Rupesh Kumar, aged about-26 Years, s/o-Kailash Yadav</p> <p>All R/O Vill.-Newalchak (Mirzapur), P.S.-Meskaur, Distt.-Nawada</p> <p style="text-align: right;">Accused persons</p>
REPRESENTED BY	Shri Sitaram Mistri, Ld. Advocate

FORM B

Date of Offence	13.05.2020
Date of FIR	13.05.2020
Date of Chargesheet	31.07.2020
Date of Cognizance	11.11.2020
Date of Commitment	23.09.2024
Date of Framing of Charges	06.12.2024
Date of commencement of evidence	09.01.2025
Date on which judgment is reserved	01.04.2026
Date of the Judgment	07.04.2026
Date of the Sentencing Order, if any	N/A

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Either Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
1	Ajit Kumar	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--



2	Sujit Kumar	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
3	Sunil Kumar @ Shyamsunil Kumar	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
4	Shambhu Kumar	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
5	Munshi Yadav	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
6	Saryu Yadav	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
7	Lalan Yadav	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
8	Masudan Yadav	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
9	Sanjay Yadav	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
10	Munna Yadav	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	N/A	--
11	Rupesh Kumar	Surrendered on 23.09.2024	23.09.2024	308/149, 323/149, 427/149 and 504/149 of the I.P.C.	Acquitted	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-01	Satyendra Prasad Singh @ Satyendra Prasad	Informant of this case



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PW-02	Ajay Prasad	Hostile Witness
PW-03	Akhilesh Yadav	Hostile Witness

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
No defence witness was produced on behalf of accused persons		

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N/A		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Exhibit-P-1/P.W.-01	Signature of the informant on written application given to S.H.O.

B. Defence:

Sr. No	Exhibit Number	Description
1	Exhibit	N/A

C. Court Exhibits

Sr. No	Exhibit Number	Description
1	Exhibit	N/A

D. Material Object:

Sr. No	Material Object Number	Description
1	MO1	N/A

J U D G M E N T

1. The short case of the prosecution as per written application of the informant Satyendra Prasad is that on 13.05.2020 at about 01:00 P.M. he was at his house then accused persons namely Ajit Kumar, Sujit Kumar, Sunil Kumar, Shambhu Kumar, Munshi Yadav, Saryu Yadav, Masudan Yadav, Sanjay Yadav, Sanjit Kumar, Munna



Handwritten signature and date: 07/04/2026

Yadav, Rupesh Kumar, Santosh Kumar and Lalan Yadav came at his house and started abusing him and when he protested then accused Ajit Kumar assaulted by means of iron rod on his head resulting he sustained head injury. On commotion his cousin Mahesh Kumar came to save him then accused Munna Prasad assaulted him by means of garasa on his head. Thereafter all accused persons brutally assaulted him and also damaged his roof of his house. Accused Ajit Kumar snatched away a golden chain from the neck of his wife Anita Devi and accused Ajit Kumar pull her saree with bad intention.

Charges.

2. In Meskaur (Sirdalla) P.S. Case No.-160/2022 dated 13.05.2020 the F.I.R. has been registered against accused persons namely Ajit Kumar, Sujit Kumar, Sunil Kumar, Shambhu Kumar, Munshi Yadav, Saryu Yadav, Masudan Yadav, Sanjay Yadav, Sanjit Kumar, Munna Yadav, Rupesh Kumar, Santosh Kumar and Lalan Yadav U/Ss.- 147,149,341,323,427,379,504,506,308 of the I.P.C. The charge-sheet has been filed by the investigation officer in the present case vide Charge-sheet No.-335/2020 dated 31.07.2020 U/Ss.- 147,149,341,323,427,504,308 of the I.P.C. against the accused persons namely Ajit Kumar, Sujit Kumar, Sunil Kumar @ Shyamsunil Kumar, Shambhu Kumar, Munshi Yadav, Saryu Yadav, Lalan Yadav,



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Masudan Yadav, Sanjay Yadav, Munna Yadav and Rupesh
Kumar.

The charges were framed against the accused persons namely (i) Ajit Kumar, (ii) Sujit Kumar, (iii) Sunil Kumar @ Shyamsunil Kumar, (iv) Shambhu Kumar, (v) Munshi Yadav, (vi) Saryu Yadav, (vii) Lalan Yadav, (viii) Masudan Yadav, (ix) Sanjay Yadav, (x) Munna Yadav and (xi) Rupesh Kumar on 06.12.2024 U/Ss.-308/149, 323/149, 427/149 and 504/149 of the I.P.C. The charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and hence this trial.

3. In order to prove its case prosecution examined altogether three witnesses namely P.W.-01 Satyendra Prasad Singh @ Satyendra Prasad (Informant of this case), P.W.-02 Ajay Prasad (Hostile Witness) and P.W.-03 Akhilesh Yadav (Hostile witness).

P.W.-01 Satyendra Prasad Singh @ Satyendra Prasad is the informant of this case who deposed in his examination-in-chief that occurrence took place on 13.05.2020 and he get instituted this case against thirteen accused persons namely Sujit Kumar, Sunil Kumar, Lalan Yadav, Masudan Yadav, Shambhu Kumar, Saryu Yadav, Sanjay Yadav and others. He further states that he sustained head injury in said fight and when his



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cousin Mahesh Kumar, Suresh Yadav, Vikash Kumar, Onkar Kumar came to save him then they were also got injured and they have been treated at government hospital. He further identified his signature on written application and on identification his signature got exhibited as Ext.-P-1/P.W.-01 and said application was written by Navlesh Kumar who is his co-villager. He further identified the accused Lalan Yadav who is present before the court.

During cross-examination, P.W.-01 deposed in para-04 that accused persons Sunil Kumar also got instituted a case against his brother, nephew and son for the same occurrence which is currently pending in the court of A.D.J.-II, Nawada. He further states in para-05 that written application was not read before him and his signature was procured only. He states in para-06 that accused persons are his gotiya and occurrence took place over the issue of partition and at present matter has amicably settled between both parties and no any dispute right now. P.W.-01 further deposed in para-07 that he didn't see who assaulted him, his cousin and family members as there was crowd at place of occurrence and he identified the accused persons as his gotiya. He further states in para-08 that he got registered this case against the accused persons as told by his co-villagers and he lastly deposed in para-10 that he is deposing as



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per his own free will.

P.W.-02 Ajay Prasad and P.W.-03 Akhilesh Yadav have not supported the case of the prosecution and they have been declared hostile on the request of the prosecution and nothing material come to the fore during his cross-examination.

4. After completion of the prosecution evidence statement of the accused persons were recorded u/s 313 Cr.P.C. wherein all the incriminating evidences were put to the accused persons and the same was denied by them stating they are innocent, they did not committed the said incident. Further the defence did not get examined any other witnesses on its behalf.

5. I have heard the rival submissions of the Ld. P.P. and the Ld. defence counsel. At the outset, it is evident that the entire prosecution case rests primarily upon the testimony of the informant (P.W.-01). However, his evidence does not inspire confidence. Though he has supported the occurrence in his examination-in-chief but during cross-examination he has made material admissions which go to the root of the prosecution case. He has clearly stated that he did not witness as to which accused assaulted him or his family members due to the presence of a crowd at the place of occurrence. He has further admitted that he lodged the case on the basis of



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information given by co-villagers and not on his own direct knowledge. Further, P.W.-01 has admitted that the accused persons are his co-sharers (gotiya) and the occurrence arose out of a dispute relating to partition of property. He has also stated that the matter has since been amicably settled between the parties and that there is no subsisting dispute. These admissions significantly weaken the substratum of the prosecution case and create a serious doubt regarding the veracity and reliability of his evidence. It is also pertinent to note that the written report, on the basis of which the F.I.R. was instituted, was not even read over to the informant, as admitted by him, and his signature was merely obtained thereon. This circumstance further casts doubt on the authenticity of the prosecution story as narrated in the F.I.R. So far as the other prosecution witnesses are concerned, P.W.-02 Ajay Prasad and P.W.-03 Akhilesh Yadav have not supported the case of the prosecution and have been declared hostile. Their evidences do not support or corroborate to the allegations made in the F.I.R. or in the deposition of P.W.-01. The prosecution has failed to bring on record any independent, reliable, and corroborative evidence to substantiate the alleged occurrence or to establish the specific overt acts of the accused persons. Moreover, there is absence of clear, cogent, and convincing evidence to prove the essential



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ingredients of the offences charged, particularly under Sections 308/149 I.P.C. (attempt to commit culpable homicide with common object), as no credible evidence has been adduced to show any intention or knowledge attributable to the accused persons so as to bring the case within the ambit of Section 308 I.P.C. Similarly, the charges under Sections 323/149, 427/149 and 504/149 I.P.C. also remain unsubstantiated due to lack of reliable and consistent evidence. Hence, the accused persons are entitled to the benefit of doubt. The charge as alleged against the accused persons could not get substantiated nor got any support from the prosecution witnesses. The guilt of the accused persons could not be established. **In Rang Bahadur Singh Vs. State of U.P. reported in AIR 2000 SC 1209** it has been held as follows: "The time-tested rule is that acquittal of a guilty person should be preferred to conviction of an innocent person. Unless the prosecution establishes the guilt of the accused beyond reasonable doubt a conviction cannot be passed on the accused. A criminal court cannot afford to deprive liberty of the appellants, lifelong liberty, without having at least a reasonable level of certainty that the appellants were the real culprits." It is settled law that the suspicion, however, strong it may be, cannot take the place of proof beyond reasonable doubt. An accused cannot be convicted on the ground of suspicion, no



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matter how strong it is. An accused is presumed to be innocent unless proved guilty beyond a reasonable doubt.

6. Considering the evidences brought on record and the law discussed the prosecution abjectly failed to establish its case beyond all reasonable doubt.

Hence, accused persons namely (i) Ajit Kumar, (ii) Sujit Kumar, (iii) Sunil Kumar @ Shyamsunil Kumar, (iv) Shambhu Kumar, (v) Munshi Yadav, (vi) Saryu Yadav, (vii) Lalan Yadav, (viii) Masudan Yadav, (ix) Sanjay Yadav, (x) Munna Yadav and (xi) Rupesh Kumar are being acquitted of all the said charges and their sureties stand discharged. Judgment is being pronounced in the open court. Office is directed to consign the record to the Record Room.

(Dictated & corrected by me)

Ashutosh Kumar Jha
Principal Sessions Judge, Nawada

07.04.2026

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Principal Sessions Judge,
Nawada

07.04.2026

