

**COURT OF, JUDICIAL MAGISTRATE 1<sup>st</sup> CLASS, PALIGANJ, PATNA**

Present: Pawan Kumar Chaudhary

JM-1st Class

[Date of the Judgment 12.03.2026]  
[GR No. 590/ 2008]  
(Bikram 20/2008)  
BRPA-51-000-560-2018

INFORMANT	<b>STATE</b> (through Informant Suristh Yadav S/o Late Kinnu Yadav R/o Village Danara, PS Bikram, District Patna.
REPRESENTED BY	Sh. Bablu Kumar Ld. Prosecution Officer for the state.
ACCUSED	1. Suresh Yadav aged about 57 years S/o Late Bandhari Prasad <b>[A1]</b> 2. Bablu Yadav, aged about 49 years S/o Late Ramnaresh Prashad <b>[A2]</b> Both are R/o Danara, Bikram, Patna.
REPRESENTED BY	Sh. Ashok Kumar Ld. Defence Counsel
Date of Offence	09.02.2008 at about 6 PM.

Date of FIR	FIR No. 20/2008 U/s 448, 341, 323, 324, 379, 504, 34 of IPC dated 09.02.2008 PS- Bikram.
Date of Charge sheet	Charge sheet No. 92/2008 dated 26.05.2008 U/s 341,323,324, 379,504, 34 of IPC.
Date of Cognizance	31.05.2008 U/s 341,323,324, 379,504, 34 of IPC.
Date of Charge Frame	20.12.2011 U/s 341,323,324, 379,504, 34 of IPC.
Date of commencement of evidence	31.01.2012
Date on which prosecution evidence closed.	16.06.2025
Date of statement of accused	28.01.2026
Date on which judgment is reserved	27.02.2026
Date of the Judgment	12.03.2026
Date of the Sentencing Order, if any.	Acquittal

Rank of the Accused	Name of Accused	Date of Anticipatory	Date of furnishing bail bone.	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
A1	Suresh Yadav	16.05.2008	30.05.2008	U/s 341, 323, 324, 379,504, 34 of IPC.	Acquittal	--	-----
A2	Bablu Yadav	24.05.2005	24.05.2005	U/s 341, 323, 324, 379,504, 34 of IPC.	Acquittal	--	-----

**-: JUDGMENT: -**

1. The charge U/s 341,323,324,379,504,34 of IPC. has been explained in Hindi to above-named accused person. Upon which he does not plead guilty and claim to be tried and he is facing trial for the same offences.

**CASE OF THE PROSECUTION**

2. The prosecution story is that FIR was registered on the fard-bayan of informant. As per FIR incident was happened on 09.02.2008 at about 6 PM when informant restrict the accused person to put soil in his drainage. Accused person has abuse and beaten the informant with Karasha (cutting edge equipment). They also beat his wife when she comes to rescue him. Pray for legal recourse as per law.
3. That on the basis of said information an FIR was register at against the above accused persons including Baldari Yadav who is died in the course of trial and proceeding against him is dropped.
4. That after investigation IO/Police filed charge sheet against above named accused.
5. Accused persons were granted anticipatory bail and furnished his bail bond.
6. That cognizance was taken against accused.
7. The charge has been framed and explained against rest accused persons in Hindi upon which he pleaded not guilty and claimed to be

tried.

8. That prosecution has examined one witness namely PW-01 Chandram Yadav (Hostile) no further evidence is produced by prosecution. Court is constraint to close prosecution evidence as informant is not interested to bring evidence.

9. Accused is examined u/s 313 of Cr.P.C., in which, he denied the veracity of the prosecution case and pleaded to be innocent.

10. Defence has neither adduced any witness nor produces any documentary evidence in its defence. On the request of Ld. Defence counsel, defence evidence was closed on same dated.

11. Now pertinent question before this court as to whether prosecution has succeeded to prove the guilt of accused persons beyond the shadows of reasonable doubts?

### **DISCUSSION, DECISION & REASON THEREFORE**

12. During argument, Learned Defence counsel, submitted that I/O and other independent witnesses of this case has not been ex-

amined. Only one witness has been examined and he has been declared hostile. Virtually no witness in support of prosecution case. Hence, Prosecution failed to prove the charge explained as above against above named accused. Therefore, he is eligible for acquittal in this case. On the other hand, Prosecution during argument couldn't say anything to counter the submission made by defence lawyer.

13. Considering the entire facts & circumstances and material available on record, submissions made by both side and discussion made above, this Court find that prosecution has failed to prove acquisition for offences punishable U/s 341,323,324, 379,504, 34 of IPC explained to above named accused, beyond reasonable doubt. Accordingly, this Court hold that accused **A1 to A2** is not guilty of the offences as charged against him and he should be acquitted in the interest of justice.

**O R D E R**

14. In result, accused namely **[A1-A2]** is acquitted from the charges of offenses punishable U/s 341,323,324, 379,504, 34 of IPC. Since, he is on bail, hence his bailors are also discharged from the liabilities of their bail bonds. All the process issued by this court

in this case is hereby cancelled. File be consigned to Record room after necessary compliance.

**Judgment is Pronounced in the Open Court on 12<sup>th</sup> March 2026**

**Dictated**

**Pawan Kumar Chaudhary**

**JM 1<sup>st</sup> Class, Paliganj**

Date of Judgment/ Order	12.03.2026
Date of Reserving Judgment/Order	27.02.2026
Uploading Date	13.03.2026
Uploaded by	Nipu Kumari

**APPENDIX**

**LIST OF PROSECUTION/DEFENCE/COURTWITNESSES**

**A. PROSECUTION:**

PW-01 Chandrma Yadav (Hostile)

**B. DEFENCE WITNESSES, IF ANY:**

-None

**C. COURT WITNESSES, IF ANY:**

-None

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. PROSECUTION:**

**B. DEFENCE**

-None

**C. COURT Exhibit**

-None

**Dictated**

**Pawan Kumar Chaudhary**

**JM 1<sup>st</sup> Class, Paliganj**