

IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023
Sadar P.S case No.- 102/2016

Form A	
Complainant/Informant	State of Bihar through Informant- Ramdev, S/o- Late Pannalal Yadav, R/o-Sukhasan, Ward No.- 10, P.S.- Sadar District- Saharsa, Bihar, India.
Represented By	Mr. Sadanand Yadav (Learned APP)
Accused	1. Marar Yadav, S/o- Late Ram Prasad Yadav, aged about- 51 Years, R/o-Sukhsan, P.S- Saharsa, District- Saharsa, Bihar, India. 2. Rajkumar, S/o- Dukhi Yadav, aged about-33 Years, R/o-Sukhsan, P.S- Saharsa, District- Saharsa, Bihar, India. 3. Akhilesh Yadav, S/o- Dukhi Yadav, aged about- 36 Years, R/o- Sukhsan, P.S- Saharsa, District- Saharsa, Bihar, India.
Represented By	1. Mr. Leeladhar Sharma.

FORM B**GENERAL**

DATE OF OFFENCE	09.12.2016
FIR/INSTITUTION	09.12.2016
CHARGE- SHEET	31.12.2017
COGNIZANCE	27.09.2018
COMMITMENT	03.01.2023
CHARGE/DISCHARGE	16.01.2023
DATE OF COMMENCEMENT OF EVIDENCE	02.01.2024
STATEMENT OF ACCUSED (313 Cr PC)	01.06.2026
DATE ON WHICH JUDGMENT IS RESERVED	17.06.2026
DATE OF JUDGMENT	19.06.2026
DATE OF SENTENCING ORDER, IF ANY	
DATE OF TRANSFER TO THIS COURT	20.07.2024



IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023
Sadar P.S case No.- 102/2016

ACCUSED DETAILS

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
1.	Marar Yadav	NA	NA	U/s 341, 323, 325, 307, 504 of the IPC	Acquitted	NA	
2.	Rajkumar	30.01.2017	15.11.2017	U/s 341, 323, 325, 307, 504 of the IPC	Acquitted	NA	
3.	Akhilesh Yadav	NA	NA	U/s 341, 323, 325, 307, 504 of the IPC	Acquitted	NA	

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW 1	Arvind Kumar Yadav	Hostile
PW 2	Mukesh Kumar	Informant's Son(Hostile)
PW 3	Mukesh Kumar @ Mukesh Kumar Raja	Informant's Son(Hostile)

B. COURT WITNESS, If Any:

NIL

DOCUMENTS EXHIBITED IN COURT

A. PROSECUTION.

Exhibit P/PW	NA
--------------	----



IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023
Sadar P.S case No.- 102/2016

B. DEFENCE- NIL

C. COURT EXHIBITS- NIL

D. MATERIAL EXHIBITS-

MARKS FOR IDENTIFICATION- NIL

Chandan Kumar
DASJ III

Saharsa

19-06-2026

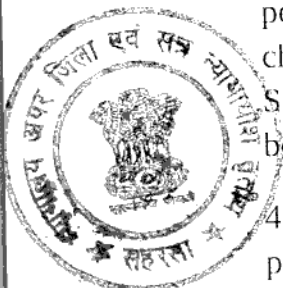
JUDGMENT

1. The accused persons namely 1. Rajkumar Yadav 2. Akhilesh Kumar and 3. Marar Yadav stands charged for the offences punishable U/Ss 341, 323, 325, 307, 504 of the IPC.

2. The case of prosecution in brief as per Fardbayan of Ramdev Yadav(now deceased) said to be resident of village Sukhasan, P.S Sadar, District Saharsa is that on 09.12.2016 at about 02:00 PM a dog was causing damaged in his wheat filed situated towards south-east and while he has trying he get the run away accused persons namely 1. Rajkumar Yadav 2. Akhilesh Kumar and 3. Marar Yadav came there and subjected him to assault by mounting him in the surface with intention to causing injury to caused his death and further in said accused persons subjected him assault in a manner resulting into oozing out of the blood from his mouth. Further during course of incident accused persons took away his 26,000/- rupees from his pocket which was with him from selling of betel leaf. Further case of the prosecution is that of account of injury he became unconscious for which he is/was getting treatment at Sadar Hospital Saharsa.

3. That on the basis of aforesaid information the case has been registered as Sadar P.S. Case No.- 102 of 2016 dated 09.12.2016 for the alleged offences punishable under Sections U/Ss 341, 323, 379, 504, 307, 34 of the IPC. Further after investigation charge-sheet has been submitted in this case against all the three accused persons namely 1. Rajkumar Yadav 2. Akhilesh Kumar and 3. Marar Yadav, for the offence punishable under Sections U/Ss 341, 323, 325, 504, 307, 34 of the IPC. and then on the basis of case diary and charge-sheet learned Magistrate took cognizance for the offences punishable under Sections U/Ss 341, 323, 325, 504, 307, 34 of the IPC. against all the three accused persons and then the case was committed to the Court of Session and later charge has been framed on 16.01.2023 for the offence punishable under Sections U/Ss 341, 323, 325, 307, 504 of the IPC and thereafter the record has been transferred to this Court for trial and disposal on 20.07.2024.

4. Altogether two witnesses have been examined in this case on behalf of prosecution Mukesh Kumar @ Mukesh Kumar Raja is the son of informant



IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment –19-06-2026
Session Trial –10/2023
CIS No.-10/2023
Sadar P.S case No.– 102/2016

Late Ramdev Yadav and has been examined both as PW2 and PW3 although being one and the same person. Further after closing of prosecution evidence statement of the accused persons have been recorded under Section 313(1)(b) of the Cr.P.C. Further defence has not produced any evidence oral or documentary upon which the defence evidence gets closed and then the matter has been fixed for argument and then after hearing the parties at length the case is today fixed for judgment.

It is pertinent to mention that in this case a report has been received from the concerned P.S vide Memo No. 4742 of 2026 dated 19.06.2026 that the informant has of this case has already died.

5. Now the point for determination is that whether prosecution has been able to bring home charge against the accused persons?

FINDINGS

6. Prosecution has produced nine witnesses:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Arvind Kumar Yadav	Hostile
PW 2	Mukesh Kumar	Hostile
PW 3	Mukesh Kumar @ Mukesh Raja	Hostile

Exhibits:

Exhibit P/PW	NA
--------------	----

7. (i) **PW-1 Arvind Kumar Yadav** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the state he has denied to have stated before the police that on 09-12-2016 at about 02:00 pm, on hearing commotion he reached to the spot and saw that Rajkumar Yadav, Akhilesh Kumar and Marar Yadav said to be his co-villagers were abusing and beating the informant brutally with the intention of killing him and the injury resulted into oozing out of blood from his mouth. Further he has denied to have stated before the police that accused persons took away Rs. 26,000/- worth of betel leaves from informant's trouser and then accused Rajkumar Yadav ran away. Further he denied to have stated before the police that informant was taken to Sadar Hospital for treatment. Further he denied to have deposed falsely

19/6/26



IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023
Sadar P.S case No.-- 102/2016

in collusion of accused persons. Further the claimed to recognize the accused present in the court today by the name the name Bhuto Yadav and the name of the father of the accused Bhuto Yadav present is Dukhi Yadav (the accused voluntarily told his name as Akhilesh Kumar).

Further during cross-examination by the counsel for the defence he has stated to have deposed in this case for the first time. Further he recognized accused as his co-villagers.

(ii) **PW-2 Mukesh Kumar** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the state he has denied to have stated before the police that on 09.12.2016 at 2 o'clock in the afternoon his father was at his home and had gone to chase away the dog from the wheat field. Further during said moment, Rajkumar Yadav, Akhilesh Kumar and Marar Yadav said to be his co-villagers together subjected assault and caused injury to his father. Further on commotion, all the above mentioned people ran away. Further he has denied to have stated that his father told him that all the above mentioned people climbed on his chest with the intention of killing him and beat him up and ran away with Rs. 26,000 from his pocket of the trouser. Further he denied that with the help of the people around, the injured father was taken to Saharsa hospital for treatment. Further he claimed to identified the accused persons after looking at them. Further he denied to have deposed falsely in collusion of the accused persons.

Further during cross-examination by the counsel for the defence he has stated of deposing his statement for the first time and further stated that his father, who is the informant in this case, has passed away. Further he has stated that on having reached home, his father (informant) Ramdev Yadav said that we should not fight the case among ourselves. Further he claimed to identified accused persons as a co-villagers. Further he did not want to bring other witnesses as per deceased of his father.

iii) **Mukesh Kumar @ Mukesh Raja** has stated to have no idea of the incident and further stated to have not made any statement before the police upon which the witness has been declared hostile on the request of the prosecution.

Further on being cross examined by the counsel for the state he has denied to have stated before the police that on 09.12.2016 at 2 o'clock in the afternoon his father was at his home and had gone to chase away the dog from the wheat field. Further during said moment, Rajkumar Yadav, Akhilesh Kumar and Marar Yadav said to be his co-villagers together subjected assault and

IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023
Sadar P.S case No.- 102/2016

caused injury to his father. Further on commotion, all the above mentioned people ran away. Further he has denied to have stated that his father told him that all the above mentioned people climbed on his chest with the intention of killing him and beat him up and ran away with Rs. 26,000 from his pocket of the trouser. Further he denied that with the help of the people around, the injured father was taken to Saharsa hospital for treatment. Further he claimed to identified the accused persons after looking at them. Further he denied to have deposed falsely in collusion of the accused persons.

Further during cross-examination by the counsel for the defence he has stated of deposing his statement for the first time and further stated that his father, who is the informant in this case, has passed away. Further he has stated that on having reached home, his father (informant) Ramdev Yadav said that we should not fight the case among ourselves. Further he claimed to identified accused persons as a co-villagers. Further he did not want to bring other witnesses as per deceased of his father.

8. Argument by the parties :

Prosecution :

Learned counsel for the prosecution has submitted that appropriate of the order of the passed.

Defence :

Learned counsel for the defence submits that none of the witness including son of the informant has stated on the complicity of accused persons facing trial for the alleged crime. There is no evidence to connect accused persons with the alleged crime. Since the prosecution has failed to prove the case, therefore the accused be acquitted in the case.

Analysis

9. In this context, it appears to this court that there are certain pivotal points to ponder over so as to reach to a logical conclusion :

(1) The case of prosecution in brief as per Fardbayan of Ramdev Yadav(now deceased) said to be resident of village Sukhasan, P.S Sadar, District Saharsa is that on 09.12.2016 at about 02:00 PM a dog was causing damaged in his wheat filed situated towards south-east and while he has trying he get the run away accused persons namely 1. Rajkumar Yadav 2. Akhilesh



IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023

Sadar P.S case No.- 102/2016

Kumar and 3. Marar Yadav came there and subjected him to assault by mounting him in the surface with intention to causing injury to caused his death and further in said accused persons subjected him assault in a manner resulting into oozing out of the blood from his mouth. Further during course of incident accused persons took away his 26,000/- rupees from his pocket which was with him from selling of betel leaf. Further case of the prosecution is that of account of injury he became unconscious for which he is/was getting treatment at Sadar Hospital Saharsa.

(II) On appreciation of evidence it appears that the witnesses who have been examined were declared hostile by the prosecution as they have stated to have no idea of the incident.

(III) That the son of the informant Mukesh Kumar has although been examined but he is not the eye witness and has stated to have no idea of the incident. Furthermore he has stated as to the death of his father who was also informant of this case.

(IV) That the IO and the Doctor has not been examined and thus place of occurrence and nature of injury is also not proved.

(V) That it appears to this court that ocular evidence in the case have not been substantive and intact enough so as to bring home the guilt of the accused beyond all reasonable and probable doubts.



IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment -19-06-2026
Session Trial -10/2023
CIS No.-10/2023
Sadar P.S case No.- 102/2016

(VI) That Informant has not been examined in this case rather it is pertinent to mention that in this case a report has been received from the concerned P.S vide Memo No. 4742 of 2026 dated 19.06.2026 stating therein that the informant named Ramdev Yadav S/o Late Pannlal Yadav., R/o- Sukhasan, Ward No. 10 had died.

(VIII) That it can be ratiocinated from the above facts and discussions that the evidences adduced by the prosecution are not strong enough to put the accused in spectrum of guilt beyond all reasonable and probable doubts. The ocular evidences does not aspire confidence and they have been impeached in their respective cross examination, so as to put dent in the case of the prosecution. The testimonies of the witnesses lack the punch required to prove the case. Lack of corroborative and substantive evidences in the case has rather supported the defence in the case.



It is therefore accordingly **ordered that** let the accused person-

1. Marar Yadav
2. Rajkumar
3. Akhilesh Yadav be **ACQUITTED** of the charge for the offence punishable U/Ss U/s 341, 323, 325, 307, 504 of the IPC. The accused persons namely **1. Marar Yadav 2. Rajkumart and 3. Akhilesh Yadav** are on bail. Their bail bond are canceled and discharge. Office clerk is directed to act accordingly.

Compensation: This is a case in which the heir of the injured have not supported their earlier version given at the time of lodging of the FIR in their

IN THE COURT OF ADDL. DISTRICT & SESSIONS JUDGE III, SAHARSA

Present: Chandan Kumar,
Addl. Sessions Judge III
Date of Judgment –19-06-2026
Session Trial –10/2023
CIS No.-10/2023
Sadar P.S case No.– 102/2016

evidence in the Court and thus I don't find it appropriate to send the matter for compensation as compensation in present case undermines its purpose.

(Pronounced in open court)

Chandan Kumar
Typed & corrected by me.

Additional Sessions Judge-III
Saharsa

Dated: 19-06-2026

Chandan Kumar
Additional Sessions Judge-III
Saharsa

Dated: 19-06-2026

