

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

SAHARSA, DATED: 08.06.2026

PRESENT: DINESH SHARMA, PD&SJ, SAHARSA

The State of Bihar Vs. Manoj Kumar Yadav & 8 Others

Session Trial No. 156/2021

[CIS (Reg.) No. 1329/2021]

FORM-A

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA, BIHAR <u>P R E S E N T:</u> DINESH SHARMA, PD&SJ, SAHARSA <u>DATE OF JUDGMENT:</u> 08th June 2026 <u>Session Trial No. 156/2021</u> <u>CIS (Reg.) No. 1329/2021</u> <u>[Salkhua P.S. Case No. 211 of 2014]</u>	
PROSECUTION	STATE OF BIHAR [Through Md. Sajjad (Informant), S/o- Md. Sanjoor, Resident of Village Kanjri, P.S. Beldour, District-Khagaria].
REPRESENTED BY	Sri Krishna Murari Prasad, Ld. P.P.
ACCUSED	Manoj Kumar Yadav, aged about 51 years, S/o- Chandranarayan Yadav, Santosh Yadav, aged about 35 years, S/o Brahmdeo Yadav, Lalkun Yadav, aged about 38 years, S/o Kamleshwari Yadav, Amar Yadav, aged about 30 years S/o Fulendra Yadav, Ajay Yadav, aged about 41 S/o Late Kameshwar Yadav, all 1 to 5 are resident of Murli Borba, P.S. Banma Itahari, District Saharsa, Pankaj Yadav @ Vijay Yadav, aged about 45 years S/o Sikandar Yadav, Kranti Yadav, aged about 40 years S/o Ghanshyam Prasad Yadav, Binay Yadav, aged about 54 years S/o Late Chandeshwari Yadav, all 6 to 8 are resident of Village Rasalpur, P.S. Banma Itahari, District Saharsa, Pappu Yadav, aged about 45 years S/o Rajendra Yadav resident of Village-Situa Hat, P.S. Salkhua, District Saharsa.
REPRESENTED BY	Sri Raj Kumar, Ld. Advocate Sri Indu Bhushan Prasad Yadav, Ld. Advocate Sri Vijay Kumar Gupta, Ld. Advocate

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FORM-B

Date of offence	19-10-2014
Date of FIR	24-10-2014
Date of Charge-sheet	30-09-2016
Date of Framing of Charges	21-03-2022
Date of commencement of evidence	25-04-2022
Date on which judgment is reserved	08-06-2026
Date of the Judgment	08-06-2026
Date of the Sentencing order, if any	N/A

ACCUSED DETAILS:

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	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.	Manoj Kumar Yadav	Surrendered on 20.08.2015 and Granted Bail vide order dated 12.08.2015	20.08.2015	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	Nil
2.	Santosh Yadav	Surrendered on 29.04.2016 and Granted Bail vide order dated 08.04.2016	29.04.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	Nil
3.	Lalkun Yadav	Surrendered on 29.04.2016 and Granted Bail vide order dated 08.04.2016	29.04.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	Nil
4	Amar Yadav	Surrendered on 29.04.2016 and Granted Bail vide order dated 08.04.2016	29.04.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	NIL
5	Ajay Yadav	Surrendered on 29.04.2016 and Granted Bail vide order dated 08.04.2016	29.04.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	NIL

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6	Pankaj Yadav @ Vijay Yadav	Surrendered on 29.04.2016 and Granted Bail vide order dated 08.04.2016	29.04.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	NIL
7	Kranti Yadav	Surrendered on 12.07.2016 and Granted Bail vide order dated 02.07.2016	12.07.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	NIL
8	Binay Yadav	Surrendered on 20.09.2016 and Granted Bail vide order dated 15.09.2016	20.09.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	NIL
9	Pappu Yadav	Surrendered on 29.04.2016 and Granted Bail vide order dated 08.04.2016	29.04.2016	U/s 147, 148, 307/149 of IPC and Section 27 of Arms Act	Acquitted	N/A	NIL

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Sanjoor	Independent Witness
PW2	Md. Sajjad	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYEWITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

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B. Defence Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects :

Sr. No.	Material Object Number	Description
NIL	NIL	NIL

J U D G M E N T

1. The accused persons named above stand charged with the alleged commission of offences punishable under Sections 147, 148, 307/149 of the Indian Penal Code ('IPC' for short) and Section 27 of the Arms Act. Charges were framed and read over to the accused persons on 21.03.2022. The accused persons denied the charges and claimed trial.
2. The prosecution case, based on the written report of the informant, Md. Sajjad (PW-2), is that on 19.10.2014 he had gone to purchase cow and buffalo at the house of Fulo Yadav then saw the wife of Suresh Yadav preparing fodder of cattle and he also helped her in preparing fodder and in front of the place the vehicle of Manoj Mukhiya was parked and five persons were there. At about 04:00 O'clock all of a sudden indiscriminate firing was started from the double storied building of Sikandar Sipahi and he received bullet injury on his back and became unconscious and after regaining consciousness he gave written application to the police station on 23.10.2014. The case was lodged and investigation commenced.
3. Upon completion of the investigation, the police submitted a charge-sheet against the accused persons under Sections 147, 148, 149, 307, 504 of IPC and Section 27 of the Arms Act. Cognizance was thereafter taken, and the case was committed to the Court of Session. Subsequently, the matter came on the files of this Court, where charges were framed on

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21.03.2022. The accused persons pleaded not guilty and claimed trial as mentioned above.

4. To prove the charges, the prosecution examined two witnesses. The prosecution has not adduce any documentary evidence in support of the case.
5. After closure of the prosecution evidence, the accused persons were examined by this Court under Section 313 of the Code of Criminal Procedure, 1973 (Cr.P.C.) / Section 351 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). They denied the incriminating evidence adduced by the prosecution and claimed innocence.
6. Heard the submissions of the Ld. PP for the State and the Ld. Counsel for the accused. The Ld. PP submitted halfheartedly submitted that PW-2 has supported the case of the prosecution.
7. On the other hand, the Ld. Counsel for the accused persons have submitted that the prosecution has failed to prove the charges of Sections 147, 148, 307/149 of the IPC and Section 27 of the Arms Act framed against the accused persons as the prosecution has utterly failed to prove that the accused persons were involved in the case. It is submitted that the accused persons deserve to be acquitted.
8. Rival submissions considered. The record has been perused. Having heard the submissions of the parties and examined the record, the question that arises for consideration before this Court is whether the prosecution has proved its case beyond reasonable doubt. If so, the next question is what offence(s), if any, have been committed by the accused persons.
9. As noted earlier, the prosecution has examined two witnesses. PW-1, Sanjoor, has deposed that his son is the informant of this Case and the incident is of 10-12 years earlier in point of time. The witness went to the hospital and found his son injured. In the cross examination, the witness admitted that he has no knowledge as to who had fired as the witness has not witnessed the incident. PW-2, Mohammad Sajjad, has deposed that incident had occurred 10-11 years earlier. Firing started from a double story building and a bullet hit the back of the witness. After receiving gunshot injury, the witness became unconscious. The witness has silent as to the identity of assailants. In the cross examination the witness

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admitted that he did not know the name of the person who had fired and he had named the accused on the basis of hearsay.

10. The above noted depositions of the witnesses of the prosecution show that the depositions are silent about the identity of the accused persons. It is well settled that FIR is not a substantive piece of evidence and the contents of the same cannot be read in evidence unless and until the maker of the FIR deposes its contents before the Court while appearing as witnesses of the prosecution. There is nothing on record to connect the accused persons with the alleged incident.
11. In view of the foregoing discussions and the findings recorded hereinabove, it is hereby held that the prosecution has utterly failed to prove and substantiate its case. Resultantly, the accused persons are hereby acquitted from all the charges framed against them.
12. The sureties are discharged from the liabilities of the bail bonds; however, the acquitted persons shall furnish personal bond in the sum of Rs. 5,000/- each with one surety in the like amount each in terms of section 437A of the Cr.PC/ section 481 of the BNSS.
13. Announced today in open Court on this 08th day of June 2026. A copy of this Judgement be sent to DM, Saharsa.
14. File be consigned to record room as per rules.

Dictated and corrected by me.

Judgment delivered by

Sd/-
(DINESH SHARMA)
Principal District & Sessions Judge
Saharsa.
08.06.2026

Sd/-
(DINESH SHARMA)
Principal District & Sessions Judge
Saharsa.
08.06.2026

Date of Judgement/Order	08.06.2026
Date of reserving Judgment/Order	08.06.2026
Uploading date	29.06.2026
Uploaded by	Javed Haider