

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, SAHARSA</u>			
Present:- Avinash Kumar-I, Additional Sessions Judge-IV, Saharsa			
<u>Date of the Judgment:-08.04.2026</u>			
<u>Case No.- Sessions Trial Case No- 175 of 2016</u> (Arising out of Saurbazar P.S. Case No. 49/2016) (U/s- 302 r/w 34 of IPC)			
INFORMANT		State of Bihar (through the informant Rabindra Yadav s/o Late Janardhan Yadav R/o- Vill. Kanp Southern Tola P.S.-Saurbazar, Dist- Saharsa)	
REPRESENTED BY		Arun Kumar, Ld. Additional Public Prosecutor	
<i>Versus</i>			
ACCUSED SONS	PER-	Manoj Yadav s/o Late Mahabhir Yadav R/o- Vill. Kanp Southern Tola P.S.-Saurbazar, Dist- Saharsa	(A1)
		Subhash Yadav s/o Late Mahavir Yadav R/o- Vill. Kanp Southern Tola P.S.-Saurbazar, Dist- Saharsa	(A2)
REPRESENTED BY		Sri. Ganesh Prasad Singh, Ld. Advocate	

Statement of History of Proceedings

Date of Offence	14.02.2016
Date of F.I.R.	15.02.2016
Date of filing of Charge-sheet	30.04.2016
Date of Cognizance	02.09.2016
Date of commitment	19.09.2016
Date of initiation of Session	20.09.2016
Date of Framing of Charges	11.11.2016
Date of commencement of evidence	28.11.2016
Date of closure of evidence	13.07.2023
Statement under section 313 of Cr.P.C	13.07.2023
Date on which the judgment is reserved	N/A
Date of Judgment	08.04.2026

Date of the Sentencing Order, if any	N/A
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ACCUSED DETAILS (Form-B)

Rank of Accused	Name of the Ac-cused	Date of Ar-rest	Date of Re-lease on Bail	Offences Charged with	Whether Acquitted or Con-victed	Sentence Impose	Period of Detention Undergone during trial for purpose of section 482, Cr.P.C
A-1	Manoj Yadav	16.02.2016	29.11.2016	302 r/w 34 of IPC	Acquitted		--
A-2	Subhash Yadav	06.04.2016	29.11.2016	302 r/w 34 of IPC	Acquitted		--

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution Witnesses

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCHWITNESS, OTHER WITNESS)
PW1	Banty Kumar	Private Witness
PW2	Ranju Devi	Private Witness
PW3	Pawan Yadav	Private Witness
PW4	Rabindra Kumar @ Rabindra Yadav	Informant of this case

DOCUMENTARY EVIDENCE

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-4	Signature on written application of PW-4.

Date of Judgement: 08.04.2026

Present: Sri Avinash Kumar-I

District & Addl. Sessions Judge IV,
Saharsa.

BRIEF FACTS

1. The FIR bearing **Saurbazar P.S. case no. 49 of 2016** was registered on 15.02.2016, on the written report of **Rabindra Yadav** S/o Late Janardhan Yadav, against the four accused persons namely Manoj Yadav, Subhash Yadav, Rambha Devi and Budhni Devi U/S 302 r/w 34 of IPC.
2. The prosecution story in brief as per informant Rabindra Yadav is that on 14.02.2016 the present FIR has been lodged on the basis of fardbayan of Rabindra Yadav, who has stated that on 14.02.2016, at about 3:30 PM accused persons namely Manoj Yadav, Subhash Yadav, Rambha Devi and Budhni Devi trespassed in his house abusing and on his protest they all lashed with arms and weapon attacked on informant and his mother. It has been further alleged that mother of the informant **died during treatment.**
3. The investigation of the present case was done by I.O Ranbir Kumar and charge-sheet no. 156/2016 dated 30.04.2016 under section 302 r/w 34 of IPC against the accused person namely Manoj Yadav and Subhash Yadav was submitted.
4. Cognizance was taken for the offence under section 302 r/w 34 of IPC vide order dated 02.09.2016 against the accused persons namely Manoj Yadav and Subhash Yadav.
5. After compliance of provisions of section 207 of the code of Criminal Procedure (hereinafter referred to as Cr.P.C) **charge was framed against them on 11.11.2016** under section 302 r/w 34 of IPC to which they denied and claimed to be tried.
6. **The prosecution produced 04 witnesses** to support its case after which the statement of the accused persons under section 313

of Cr.P.C was recorded on 13.07.2023 in which they pleaded their innocence.

7. The point for determination in this case is that whether the prosecution has been able to bring home the guilt of the accused persons beyond the shadow of all reasonable doubts for the offence punishable under section 302 r/w 34 of IPC.

EVIDENCE

8. In order to prove its case, the prosecution produced 4 witnesses.

EVIDENCE ADDUCED IN THIS CASE

- 1) Evidence of prosecution:

- 1) Oral Evidence

- a) PW-1:- Banty Kumar
- b) PW-2:- Ranju Devi
- c) PW-3:- Pawan Yadav
- d) PW-4:- Rabindra Kumar @ Rabindra Yadav (**Informant**)

- 2) Evidence of defence:-

No evidence, oral and documentary, has been adduced by the accused persons in their defence.

APPRECIATION OF EVIDENCE

9. **P.W -1, Banty Kumar**, in his examination in chief stated that **he has no knowledge about the incident**. He further stated that **his statement was not recorded** by the police. He recognized the accused person present in the court.

PW-1 was declared hostile by the prosecution.

In his cross examination by the defence, he stated that the I recognize the accused persons, because **they are my co-villagers**.

10. **PW-2: Ranju Devi**, in her examination in chief stated that the incident occurred eight years ago, **I did not see and know about the mur-**

der of my mother-in-law/deceased. She further stated that **her statement was not recorded by police.** She recognized the accused persons present in the court.

This witness was also declared hostile by the prosecution.

In her cross examination by the defence, she stated that on the day of incident she was not at home and had gone to Bahiyar and has not seen the incident. She further stated that I recognize the accused persons **because they are my co-villagers.**

11. **PW-3, Pawan Yadav**, in his examination in chief stated that the incident happened several days ago, and I was not at the place of incident and had gone to Bahiyar, **I don't know what happen.** He further stated that **his statement was not recorded by police.**

In his cross examination by the defence he stated that **I recognize the accused persons because they are my co-villagers.**

12. **PW-4, Rabindra Kumar @ Rabindra Yadav**, in his examination in chief stated that the incident occurred in the year 2016 at about 8:00 AM. All the accused persons ploughed my field together, and when my mother Vimla Devi opposed, they created a ruckus beaten my mother. When I arrived at the place of incident, I saw my mother lying injured in the courtyard. I took her to Saurbazar Hospital from where she was referred to Saharsa Sadar Hospital for treatment. During course of treatment, she died. He further stated that I gave a statement to this effect to the police officer, which I had understood and same bears my signature, which I recognize and the same is marked **as Exhibit P-1/PW-4.** He recognized the accused person present in the court.

In his Cross Examination by defence he stated that I don't remember the day and date of the incident. He further stated that I didn't see the incident. He further stated that I didn't see anything. I recognize the accused persons **because they are my co-villagers.**

ARGUMENTS

12. Ld. APP as well as defence counsel advance their arguments.

Ld. APP consider to the fact that all the witnesses have been turned hostile. Ld. APP further submits that even the informant of this case has not supported the prosecution case.

Ld. Defence counsel argues that PW-1 Banty Kumar, PW-2 Ranju Devi, both were declared hostile by the prosecution and PW-3 Pawan Yadav has stated that he has no knowledge about the incident and his statement was not recorded by police. He further states that even the informant has stated in his cross examination that he did not see anything or alleged incident.

FINDINGS

13. In the present matter all together 4 witnesses have been examined and vide order dated 13.07.2023 passed by Ld. Predecessor of this court, the prosecution evidence was closed, after then statement u/s 313 Cr.P.C was recorded on the same day by Ld. Predecessor and there after the matter was posted for argument in this matter.

On perusal of evidence it appears that none of the witnesses has supported the prosecution story.

PW-1, Banty Kumar has stated that **he has no knowledge about the incident** and his statement was not recorded by the police and therefore he was declared hostile by the prosecution.

PW-2, Ranju Devi, who happens to be daughter-in-law of deceased has also stated that **she did not see and know about the murder of her mother-in-law** and she further stated that her statement was not recorded by the police and this witness has also declared hostile by the prosecution.

PW-3, Pawan Yadav, has stated that **he was not present at the place of occurrence** and **he has no knowledge** about the incident.

PW-4, Rabindra Kumar, who happens to be the **informant of this case** has stated in his examination in chief that accused persons had beaten his mother, but when he arrived at the place of incident, he saw his mother was lying injured in the courtyard and **in his cross examination he stated that he did not see the incident** and therefore the non of the witnesses has supported the prosecution story as well as allegation against the accused/petitioner.

Conclusion

14. On perusal of evidence and argument advanced by Ld. APP as well as defence counsel, this court is of the view that prosecution has **failed to establish** its case beyond the shadow of reasonable doubt.

ORDER

15. Therefore in the light of discussion held in the preceding paragraph with respect to the fact and circumstance of this case along with oral evidence of all the witnesses including informant, this court is come to the conclusion that both the accused persons namely Manoj Yadav and Subhash Yadav **are not found guilty** and both the accused Manoj Yadav and Subhash Yadav are **acquitted** from all the charges and guilt. Since both the accused persons are already on bail therefore they are set free at once.

The judgment dictated, corrected,
signed, dated and pronounced
today in the open court by me.

Sd/-

Avinash Kumar-I
District Sessions Judge-IV
Saharsa
08.04.2026

Sd/-

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District Sessions Judge-IV
Saharsa
08.04.2026

