

<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:- 22.04.2026</u>	
Case No.- Sessions Trial Case No- 351 of 2024 (Arising out of Saharsa Sadar P.S. Case No. 248/2024) (u/s- 341, 323, <b>302</b> , 504, 506 r/w 34 of IPC and 25(1-B)a, 26, 27 of Arms Act)	
INFORMANT	State of Bihar (through the informant Raja Kumar S/o Bindeshwari Rai R/o- Vill. Hanuman Chowk Ward no. 35 P.S.- Saharsa Sadar, Dist- Saharsa)
REPRESENTED BY	Ld. APP
<i>Versus</i>	
ACCUSED PERSONS	<b>Kari Yadav @ Kari Kumar</b> s/o Ravindra Yadav R/o- Vill. Hanuman Chowk, P.S.- Saharsa Sadar Dist- Saharsa
	<b>(A1)</b>
REPRESENTED BY	Sri. Pankaj Kumar Singh, Ld. Advocate

Statement of History of Proceedings

Date of Offence	11.03.2024
Date of F.I.R.	11.03.2024
Date of filing of Charge-sheet	31.05.2024
Date of Cognizance	06.09.2024
Date of commitment	04.10.2024
Date of initiation of Session	18.10.2024
Date of Framing of Charges	01.02.2025
Date of commencement of evidence	21.02.2025
Date of closure of evidence	12.02.2026
Statement under section 313 of Cr.P.C	12.03.2026
Date on which the judgment is reserved	N/A
Date of Judgment	22.04.2026
Date of the Sentencing Order, if any	N.A*

ACCUSED DETAILS (Form-B)

Rank of Accused	Name of the Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or Convicted	Sentence Impose	Period of Detention Undergone during trial for purpose of section 482, Cr.P.C
A-1	Kari Kumar @ Kari Yadav	12.03.2024	In custody	341, 302, 323, 504, 506 r/w 34 of IPC and 25(1-B)a, 26, 27 of Arms Act.	Acquitted	N/A	--

LIST OF PROSECUTION/DEFENCE/COURT WITNESSESA. Prosecution Witnesses

RANK	NAME	NATURE OF EVIDENCE(EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCHWITNESS, OTHER WITNESS)
PW1	Kundan Kumar Raj	Private Witness
PW2	Sanjay Kumar Sah	Private Witness
PW3	Shyamal Kishor	Private Witness
PW4	Badri Sah	Private Witness
PW5	Utkarsh Raj	Private Witness
PW6	Raja Kumar	Informant
PW7	Indu Devi	Private Witness
PW8	Abhay Kant Jha	Arms Inspector
PW9	Dr. Roshan Lal	Doctor

DOCUMENTARY EVIDENCELIST OF PROSECUTION/DEFENCE/COURT EXHIBITSA. Prosecution Exhibits

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-5	Signature on FIR.

2	<b>Exhibit P-2/PW-5</b>	Signature on Death Review Report of Raja Roy
3	<b>Exhibit P-1/PW-8</b>	Report of Office of the Deputy Inspector General of Police, Koshi Zone
4	<b>Exhibit P-1/PW-9</b>	Postmortem report of Shiva Kumar

Date of Judgement: 22.04.2026

Present: Sri Avinash Kumar-I

District & Addl. Sessions Judge IV,  
Saharsa.

### **BRIEF FACTS**

1. The FIR bearing **Saharsa Sadar P.S. case no. 248 of 2024** was registered on 11.03.2024, on the written report of Raja Kumar S/o Bindeshwari Rai, against the five accused persons namely 1. Brijesh Yadav 2. Mukesh Yadav 3. Kari Yadav 4. Roushan Kumar and 5. Bambam Kumar as u/s 302 r/w 34 of IPC and 25(1-B)a, 26, 27 of Arms Act.
2. The prosecution case in brief as per informant Raja Kumar is that on 11.03.2024 at about 5:30 PM accused 1. Kari Yadav, 2. Brijesh Yadav 3. Mukesh Yadav 4. Bambam Singh and 5. Roshan Kumar indiscriminately firing upon the brother of the informant resulting into his death and all the accused also threaten the informant to kill.
3. The investigation of the present case was done by I.O Prabhakar Bharti and charge-sheet no. 313/2024 dated 31.05.2024 under section 341, 323, **302**, 504, 506 r/w 34 of IPC and 25(1-B)a, 26, 35, 27 of Arms Act against the accused persons namely Kari Yadav @ Kari Kumari, Brajesh Yadav and Roushan Kumar was submitted by I.O.

4. **Cognizance** was taken for the offence under section 341, 323, 302, 504, 506 r/w 34 of IPC and 25(1-B)a, 26, 35, 27 of Arms act vide order dated 06.09.2024 against the accused persons namely 1. Kari Yadav 2. Brajesh Yadav and 3. Roushan Kumar.
5. The case record of Brajesh Yadav and Roushan Kumar was sent to Juvenile Justice Board, Saharsa and case record of Kari Yadav was sent for commitment of trial before Ld. PDJ.
6. After compliance of provisions of section 207 of the code of Criminal Procedure **charge was framed against accused Kari Yadav @ Kari Kumar on 01.02.2025** u/s 341, 323, **302**, 504, 506 r/w 34 of IPC and 25(1-B)a, 26, 27 of Arms Act to which he denied and claimed to be tried.
7. **The prosecution produced 09 witnesses** to support its case after which the statement of the accused person was recorded u/s 313 of Cr.P.C on 12.03.2026 to which he pleaded his innocence.
8. The point for determination in this case is that whether the prosecution has been able to bring home the guilt of the accused person beyond the shadow of all reasonable doubts for the offence punishable under section 341, 323, **302**, 504, 506 r/w 34 of IPC and 25(1-B)a, 26, 27 of Arms Act

#### **EVIDENCE**

9. In order to prove its case, the prosecution produced 09 witnesses.

#### EVIDENCE ADDUCED IN THIS CASE

##### 1) Evidence of prosecution:

##### **1) Oral Evidence**

- a) PW-1:- Kundan Kumar Raj
- b) PW-2:- Sanjay Kumar Sah
- c) PW-3:- Shyamal Kishor

- d) PW-4:- Badri Sah  
 e) PW-5:- Utkarsh Raj  
 f) PW-6:- Raja Kumar (Informant)  
 g) PW-7:- Indu Devi  
 h) PW-8:- Abhay Kant Jha (Arms Inspector)  
 I) PW-9:- Dr. Roshan Lal (Doctor)

2) Documentary Evidence:-

Sr. No.	Exhibit Number	Description
1	Exhibit P-1/PW-5	Signature on FIR.
2	Exhibit P-2/PW-5	Signature on Death Review Report of Raja Roy
3	Exhibit P-1/PW-8	Report of Office of the Deputy Inspector General of Police, Koshi Zone
4	Exhibit P-1/PW-9	Postmortem report of Shiva Kumar

3) Evidence of defence:-

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

**APPRECIATION OF EVIDENCE**

10. **P.W -1, Kundan Kumar Raj**, 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.

**This witness was declared hostile by the prosecution.**

11. **PW-2: Sanjay Kumar Sah**, in his examination in chief stated that **I do not know anything about the incident**. He further stated that **his statement was not recorded by the police**.

**This witness was also declared hostile by the prosecution.**

12. **PW-3, Shyamal Kishor**, 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.

**This witness was also declared hostile by the prosecution.**

13. **PW-4, Badri Sah**, 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.

**This witness was also declared hostile by the prosecution.**

In his cross examination, by the defence, he stated that this is my first time testifying in this case. I recognize the accused person, because he is my co-villager.

14. **PW-05, Utkarsh Raj**, 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. I do not recognize the present accused person in the court.

**This witness was also declared hostile by the prosecution.**

In his cross examination, by the defence, he stated that this is my first time testifying in this case, my statement was not recorded anywhere. He further states that no any articles were recovered in front of me. He further stated that the police made me sign a blank piece of paper.

15. **PW-06, Raja Kumar (Informant)**, in his examination in chief stated that Shiva Rai was my elder brother. He further stated that his brother died due to gun shot, **but I don't know who shot him**. He further stated that his statement was **not recorded by the police**.

**This witness was also declared hostile by the prosecution.**

In his cross examination, by the defence, he stated that I was made to sign on a plain paper, I don't know what was written in the application. He further stated that this is my first time testifying in this case. He further stated that the accused of this case was not involved in the incident, there is no complaint about it.

16. **PW-07:- Indu Devi**, in her examination in chief stated that Shiva Raj is her son, **someone had shot him**. She further stated that **her statement was not recorded before the police**.

**This witness has also declared hostile by the prosecution.**

In her cross examination, by the defence, she stated that I do not recognize the present accused person in this case.

17. **PW-08:- Abhay Kant Jha (Arms Inspector)**, in his examination in chief stated that on 10.05.2024, I was posted in the DIG, Office, on that day the seized seized in Saharsa Sadar P.S. case no. 248/2025 was presented before me in a sealed cloth bag by police inspector for examination. He further stated that after opening the said packet, a country-made pistol, one live bullet, one bullet shell and the front part of a bullet were found in it. He further stated that the above exhibits were sealed in the same cloth bag and returned along with the investigation report with signature through Police inspector. There was a report typed on my speaking which bears my signature, which I recognize and marked as Exhibit P-1/PW-8.

In his cross examination, by the defence, he stated that the weapon that was seized is not available before me in the court.

18. **PW-09:- Dr. Roshan Lal (Dr.)**, in his examination in chief stated that on 11.03.2024, I was posted as Medical Officer at P.H.C. Saharsa Sadar Hospital. On that day I have examined injured Shiv Kumar. External Appearance Rigor Morties/Decomposition etc.- average built, hair Black, both eye closed, mouth closed, rigor mortis present in all four limbs.

Cranial and Spinal cord- as below

Thorax- As below, viscera- As below

Abdomen- As below, Urinary Bladder-NAD, Sex organ-NAD

Detail description of the post mortem examination( external injury)-

(1) A circular defect of size 2cm x 1.5cm approx, seen in subcutaneous tissue evident deep on Rt. Side of chest along anterior axillary line be-

tween 3<sup>rd</sup> & 4<sup>th</sup> intercostal space 14 cm Rt. Lateral to midline of size ¼” x 1/6” in oval shape.

(2) a lacerated penetrating wound of size ½” x ½” with irregular and everted margin present over Lt. Side of chest.

Internal Examination- On opening of skull-congested

On opening thorax- There is large amount of hemoperitoneum present in the chest cavity. On further dissection- the wound is continuous into the anterior mediastinum piercing through Lt. Lung further to lower border of Rt. And Lt. Ventricle Lungs- Laceration of Rt. Lung. Hurt- Laceration of heart. On opening Viscera congested. On opening of stomach- semi digested food particle present in stomach.

**Cause of Death-** in our opinion cause of death is due to injury to the vital organ i.e lung & heart, leading to hemorrhagic shock as a result of firearm. He further stated that same postmortem report, which is made by me and signed by me, which is marked as Exhibit P-1/PW-9.

In his cross examination, by the defence, he stated that no black spot, gun powder or burns were found anywhere in the injury. He further stated that I did not find any identification mark on the body.

### **ARGUMENTS**

**19.** Heard Ld. APP on behalf of prosecution and Ld. Defence counsel.

Ld. APP submits that since all the witnesses except arms inspector and doctor, **have turned and declared hostile and has not deposited any material evidence against the accused person.** Therefore, there is not much to argue on behalf of the prosecution.

Ld. Defence counsel submits that **it is a case of no evidence** and non of the private witnesses have supported the case of prosecution and his client is innocent.

### **FINDINGS**

20. Considering the evidence of PW-1 Kundan Kumar Raj, PW-2 Sanjay Kumar Sah, PW-3 Shayamal Kishor, PW-4 Badri Sah, PW-5 Utkarsh Raj, informant PW-6 Raja Kumar, who happens to be the brother of the deceased and PW-7 Indu Devi, who happens to be mother of the deceased, all these witnesses have turned hostile and **therefore there is no material evidence** against the accused person.

### **Conclusion**

21. In the fact and circumstance mentioned here in above, this court is of the conclusion that prosecution has failed to prove its case against the accused person namely Kari Yadav @ Kari Kumar.

### **ORDER**

22. Therefore the accused person Kari Yadav @ Kari Kumar, has not been found guilty and is **acquitted** from all the charges and guilt.

Since the accused person Kari Yadav @ Kari Kumar is in custody, office is directed to prepare release warrant and send the same to the Jail Superintendent.

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

Sd/-

Avinash Kumar-I  
District Sessions Judge-IV  
Saharsa  
22.04.2026

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