

FORM A

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-I, ROSERA, DISTRICT-SAMASTIPUR Present- DUSHYANT KUMAR, Additional Sessions Judge- I, Rosera [Date of the Judgment on 23.06.2026] [Sessions Trial No.-575/2008, CIS No. 645/2014] (Details of FIR/Crime and Police Station) Details of FIR- Rosera P.S. Case No. 132/2007	
Complainant/Informant	State of Bihar through Bacchan Deo Yadav Son of Sri Dodai Yadav, R/o Village & Post Rahua, P.S. Rosera, District- Samastipur, Informant
REPRESENTED BY	Sri Shiv Shankar Yadav, Ld. A.P.P. for the State
ACCUSED	Gajendra Yadav Son of Kallar Yadav, R/o Village & Post Rahua, P.S. Rosera, District- Samastipur.
REPRESENTED BY	Sri, Dinesh Yadav, Advocate.

FORM B

Date of Offence	31.08.2007
Date of FIR	01.09.2007
Date of Charge-sheet	21.04.2008
Date of Framing of Charges	07.02.2013
Date of commencement of evidence	02.03.2016
Date on which judgment is reserved	23.06.2026
Date of the judgment	23.06.2026
Date of the Sentencing Order, if any	Nil

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	Gajendra Yadav	14.04.2008	23.05.2008	341, 323, 307, 504 of Indian Penal Code	Acquitted	N.A	N.A.

FORM C

LIST OF PROSECUTION/DEFENCE/ COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.-1	Lal Babu Yadav	Non official
P.W.-2	Bachhan Deo Yadav	Informant

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNES, OTHER WITNESS)
	N.A	N.A

C. Court witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNES, OTHER WITNESS)
	N.A	N.A

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit-1, (P.W.-2)	Signature of informant on written application.

B. Defence

Sr. No.	Exhibit Number	Description
	N.A	N.A

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
	N.A	N.A

D. Material Objects :

Sr. No.	Exhibit Number	Description
	N.A	N.A

Judgment

1. In the present case, the accused, Gajendra Yadav, son of Kallar Yadav, resident of Village and Post Rahua, P.S. Rosera, District Samastipur, stands charged with the commission of offences punishable under Sections 341, 323, 307 and 504 of the Indian Penal Code.
2. Briefly, stated the facts leading to the present case are that informant, namely, Bachchan Deo Yadav, Son of Sri Dodai Yadav, R/o Village & Post Rahua, P.S. Rosera, District- Samastipur submitted an application before the SHO, Rosera,

Police Station stating that on 31.08.2007 at 11.00 O'clock in day time, he went to watch his sugarcane field where he saw that his co-villager, namely, Ganjendra Yadav, Son of Kallar Yadav, R/o Village & Post Rahua, P.S. Rosera, District- Samastipur was cutting sugarcanes. When the informant protested, the accused assaulted him by kicks and fists and drowned him in water. When informant felt uneasy, he raised alarm upon which his elder brother, namely, Vishun Deo Yadav came and saved him and took him to Hospital where he was treated.

3. Based upon the aforesaid written application of the informant, Rosera P.S. Case No. 132 of 2007 was registered on 01.09.2007 under Sections 341, 323, 324, 307 and 504 of the Indian Penal Code. Thereafter, A.S.I., D.N. Yadav was entrusted with the investigation of the case. During the course of investigation, the accused was arrested on 14.04.2008 and taken into custody. Thereafter, he was granted bail vide order dated 22.05.2008 passed in B.P. No. 137 of 2008, and was released from custody on 23.05.2008.
4. Upon conclusion of the investigation, Charge-sheet No. 37 of 2008 was submitted against the accused under Sections 341, 323, 504 and 307 of the Indian Penal Code. Thereafter, cognizance of the offences under Sections 341, 323, 504 and 307 of the Indian Penal Code was taken on 28.05.2008. The case was committed to the Court of the Ld. District & Sessions Judge for trial vide order dated 30.07.2008. Subsequently, the case remained pending awaiting the appearance of the accused. In the meantime, the bail bond of the accused was cancelled, and he was arrested on 26.08.2012. Thereafter, he was granted bail on 12.09.2012.
5. On 07.02.2013, after hearing the Ld. Counsel for the accused and the Ld. A.P.P., and upon perusal of the records, charges under Sections 341, 323, 307 and 504 of the Indian Penal Code were framed against the accused. The charges were read over and explained to him in Hindi, to which he pleaded not guilty and claimed to be tried. Thereafter, summons were directed to be issued to the prosecution witnesses. However, the case remained pending for examination of the prosecution witnesses till 02.03.2016.
6. On 02.03.2016, P.W.-1, namely, Lal Babu Yadav, was examined. In his examination-in-chief, he deposed that the occurrence had taken place about 8½ years ago, at about 11:00 o'clock on a Friday. At that time, he was at his home. He heard that Bacchan Yadav was lying in his field, and upon hearing this, he rushed to the place of occurrence, where he saw Gajendra Yadav assaulting Bacchan Yadav with fists and drowning him in water with an intention to kill him. As a result, the informant was crying for help. Thereafter, people gathered at the spot and took Bacchan Yadav out of the water, who had become unconscious. Subsequently, he was taken to Rosera Hospital for treatment. This witness identified the accused Gajendra Yadav, who was present in the Court.

7. In his cross-examination, he deposed that he knew Chandra Deo Yadav, as his maternal home and matrimonial home are situated in the same village and they belong to the same caste. He further stated that, socially, Chandra Deo Yadav is his maternal uncle. He stated that there was a road near the place of occurrence and a river beside the road, while his house was situated at a distance of about 50 bamboo lengths from the place of occurrence. He further deposed that he could not tell the number of houses situated between his house and the place of occurrence, nor could he disclose the names of the persons whose houses were situated in between. He further deposed that his statement was not recorded by the police. However, he subsequently stated that his statement was recorded by the police at the police station and that he had informed the police that he had witnessed the occurrence. He further stated that the depth of the river was about 4-5 feet and that water used to overflow during the rainy season. At the time of the occurrence, there was little water in the river, and its width was about 200 feet. He denied the suggestion that the width of the river was 400 metres and stated that it was about 250 feet wide. He further stated that his maternal home was in Village-Marah and that he was not related to the informant. He admitted that he had gone to the place of occurrence after hearing the noise. He could not state when his statement was recorded by the police after the occurrence. He denied the suggestion that he had deposed falsely on account of being related to the informant. He further denied the suggestion that he had not stated before the police that he had not witnessed the occurrence.
8. After a lapse of about 10 years, the informant was examined as P.W.-2. He stated in his examination-in-chief that he was the informant of the case and that the occurrence had taken place about 18 years ago at about 11:00 A.M. At that time, he was going to his field. He further deposed that Gajendra Yadav was harvesting sugarcane crop in his field and, when he protested, Gajendra Yadav assaulted him by kicking and slapping. Thereafter, Vishun Deo Yadav came to the place of occurrence to rescue him and took him to the hospital for treatment. He further stated that, on the next day of the occurrence, after getting the application written by Vishun Deo Yadav, he put his signature on the same and submitted it at the police station. He identified his signature on the said application, which was marked as Exhibit-1. He also identified the accused present in the Court.
9. In his cross-examination by the defence, he admitted that the case had been compromised and that he did not wish to pursue the matter further. He further stated that he identified the accused as he was his co-villager. He also deposed that nobody had drowned him in the water.
10. Despite the issuance of all processes, including N.B.W. and D.O. letters, no further witness appeared for examination. Accordingly, vide order dated

06.06.2026, a last opportunity was granted to the prosecution. The record shows that despite issuance of several processes, including summons, N.B.W. and D.O. letters, the prosecution failed to secure the presence of the remaining witnesses. The case was pending for a considerable period and the material witness, i.e., the informant, had already been examined and had not supported the prosecution case during cross-examination. In such circumstances, keeping the matter pending indefinitely for examination of other witnesses would not have served any useful purpose. Accordingly, the case was fixed for recording the statement of the accused under Section 313 of the Code of Criminal Procedure.

11. The statement of the accused was recorded under Section 313 of the Code of Criminal Procedure on the same day, wherein he denied the allegations levelled against him and stated that he was innocent.
12. Ld. Counsel for the defence submitted an application stating that the accused did not wish to adduce any evidence in defence. Accordingly, the case was fixed for final arguments.
13. During the course of arguments, Ld. A.P.P. appearing for the State submitted that the prosecution has been able to establish the occurrence and involvement of the accused through the evidence available on record. It was argued that P.W.-1 has supported the prosecution case and has categorically stated that he saw the accused assaulting the informant and drowning him in water with an intention to kill him. Learned A.P.P. further submitted that the discrepancies appearing in the evidence of the witnesses are minor in nature and are attributable to the long lapse of time between the occurrence and recording of evidence. It was also submitted that merely because the informant has not supported the prosecution case in its entirety during cross-examination, the testimony of other witnesses cannot be discarded. Accordingly, learned A.P.P. prayed for conviction of the accused for the offences charged against him.
14. Per contra, Ld. Counsel for the accused submitted that the prosecution has failed to prove its case beyond all reasonable doubts. It was argued that the informant, who is the victim and the most material witness, has not supported the prosecution version and has admitted that the matter has been compromised and that he does not wish to proceed further with the case. It was further submitted that the informant has specifically denied the allegation that he was drowned in water, which is the main basis for the charge under Section 307 of the Indian Penal Code. Ld. Defence Counsel further argued that P.W.-1 is not a reliable witness as he had reached the place of occurrence only after hearing the noise and had not witnessed the beginning of the occurrence. It was also submitted that despite repeated opportunities, the prosecution failed to produce the remaining witnesses and, therefore, no useful purpose would have been

served by keeping the case pending further. Accordingly, Ld. Defence Counsel prayed for acquittal of the accused.

15. I have heard the Ld. A.P.P. for the State and the Ld. Counsel for the accused and have carefully perused the entire materials available on record.
16. In the present case, the accused has faced trial for the offences punishable under Sections 341, 323, 307 and 504 of the Indian Penal Code. The prosecution, in order to establish its case, was required to prove the ingredients of the said offences beyond reasonable doubt. The prosecution has examined only two witnesses during trial.
17. P.W.-1, Lal Babu Yadav, in his examination-in-chief, stated that he came to know that Bacchan Yadav was lying in his field and thereafter he went to the place of occurrence, where he allegedly saw Gajendra Yadav assaulting Bacchan Yadav by fists and drowning him in water with an intention to kill him. However, in his cross-examination, he admitted that he had reached the place of occurrence after hearing the noise. His statement indicates that he had not witnessed the initial occurrence and had arrived at the spot after the incident had already commenced. He also made inconsistent statements regarding the recording of his statement by the police. At one stage, he stated that his statement was not recorded by the police, while subsequently he stated that his statement was recorded at the police station. These inconsistencies create doubt regarding the reliability of his testimony.
18. P.W.-2, Bacchan Deo Yadav, is the informant as well as the alleged victim of the occurrence. His testimony assumes great significance for the prosecution. In his examination-in-chief, he stated that the accused had assaulted him by kicks and slaps when he protested against the cutting of sugarcane crop. He further stated that Vishun Deo Yadav came there and took him to the hospital for treatment. However, during his cross-examination by the defence, he admitted that the case had been compromised and that he did not wish to pursue the matter further. More importantly, he specifically stated that nobody had drowned him in water. This admission strikes at the very foundation of the prosecution allegation regarding the alleged attempt to cause his death, which formed the basis of the charge under Section 307 of the Indian Penal Code.
19. It is a settled principle of criminal law that the prosecution is required to prove its case beyond reasonable doubt and the accused cannot be convicted merely on the basis of allegations made in the F.I.R. or on suspicion. The F.I.R. only sets the criminal law in motion and cannot substitute substantive evidence required to prove the guilt of the accused.
20. In the present case, the informant himself has not supported the material allegation of the prosecution regarding the accused drowning him in water with an intention to kill him. Though he has admitted that he was assaulted by kicks

and slaps, his evidence does not establish the ingredients necessary for constituting the offence under Section 307 of the Indian Penal Code. Further, there is no independent or corroborative evidence available on record to establish the prosecution case beyond reasonable doubt.

21. The statement of the accused recorded under Section 313 of the Code of Criminal Procedure has also been considered. The accused has denied the allegations and claimed false implication. Although such statement is not substantive evidence, the same assumes significance when the prosecution itself has failed to establish the charges through reliable and cogent evidence. The defence has not adduced any evidence. However, the burden of proving the guilt of the accused always rests upon the prosecution, and failure of the defence to produce evidence cannot cure the deficiencies in the prosecution case.
22. In view of the aforesaid discussion and considering the entire evidence available on record, this Court is of the considered opinion that the prosecution has failed to prove the charges framed against the accused beyond reasonable doubt. The evidence available on record does not inspire confidence and is insufficient to hold the accused guilty for the offences punishable under Sections 341, 323, 307 and 504 of the Indian Penal Code. Accordingly, the accused, namely, Gajendra Yadav, is entitled to the benefit of doubt.
23. The accused, Gajendra Yadav, son of Kallar Yadav, resident of Village and Post Rahua, P.S. Rosera, District Samastipur, is hereby acquitted of the charges framed against him under Sections 341, 323, 307 and 504 of the Indian Penal Code. His bail bond is extended for six months for the purpose of Section 437A of Cr.P.C. Let a copy of this judgment be supplied to the accused free of cost.

Pronounced and Signed in open Court on 23.06.2026.

DUSHYANT KUMAR
DISTRICT & ADDITIONAL SESSIONS JUDGE - 1
ROSEIRA, SAMASTIPUR