

**FORM A**

<b>In the court of Sri Neeraj Kishore, District &amp; Additional Sessions Judge-Ist Sheikhpura.</b>	
<b>[Date of the Judgment]</b>	
<b>14<sup>th</sup> Day of May 2026</b>	
<b>[Case No:- S.Tr. Case No. 353A/2005]</b>	
<b>(Detail of FIR/Crime and Police Station)</b>	
<b>Barbigha P.S. Case No. 112/2004</b> <b>(U/s 147, 148, 149, 323, 307, 504 of IPC r/w Sec. 27 of Arms Act.)</b>	
<b>Informant</b>	<b>STATE OF BIHAR</b>  THROUGH  Lakhan Yadav <b>(Informant)</b> .
<b>REPRESENTED BY</b>	<b>Sri Chandramauleshwar Prasad Ld. Spl. P.P.</b>
<b>ACCUSED</b>	1. <b>Suresh Yadav</b> , aged about 70 years S/o Late Jalo Yadav R/o Vill- Panaypar P.S- Barbigha, Dist- Sheikhpura
<b>REPRESENTED BY</b>	<b>Sri Lalu Kumar Yadav, Advocate.</b>

**FORM B**

Date of Offence	<b>05.07.2004</b>
Date of FIR	<b>12.07.2004</b>
Date of Charge-Sheet	<b>19.12.2004</b>
Date of Framing of Charges	<b>09.11.2005</b>
Date of commencement of evidence	<b>02.12.2005</b>
Date on which judgment is reserved	<b>04.05.2026</b>
Date of the Judgment	<b>14.05.2026</b>
Date of Sentencing Order, if any	

**Accused Details:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release of Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.

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A-1	Suresh Yadav	27.01.2023	27.01.2023	341, 323, 504, 506/34 of IPC r/w Sec. 3(1)(r)(s) and 3(2) (va) of SC/ST Act.	Acquitted		
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### **J U D G M E N T**

1. In this case, the accused Suresh Yadav is facing trial for committing offences u/s 147, 148, 323, 307, 504 of IPC r/w Sec. 27 of Arms Act.

2. In brief the prosecution case as per the written report of the informant Lakhan Yadav is that he filed a petition on 29.06.2004 before District Magistrate, Sheikhpura in connection with illegal possession over land of "Gauraiya Baba" located west to the house of informant at the bridge of canal against co-villager namely Biru Yadav, Bilash Yadav, Naresh Yadav and Suresh Yadav and also one Adhik Yadav owing to that matter, the above named accused on 05.07.2004 at about 01:00 PM came near the house of informant being armed with lathi, danda and pistol and using abusive words for informant began to assault the informant with kicks and fists. The informant somehow saved his life and ran towards his house whereupon the accused Biru Yadav and Bilash Yadav fired on informant with intention to commit murder. On alarm of informant, when his nephew Subhodh Yadav and Kedar Yadav came to save the informant, accused assaulted them also with kicks and fists and also abused them. Meanwhile, several villagers gathered and intervened and suggested for panchayat and thereafter, when the accused persons denied to obey the verdict of panchayat, the informant submitted his written report and it was the cause of delay in information to the police.

On the basis of the written report of the informant, SHO Barbigha P.S., Sheikhpura lodged formal FIR vide Barbigha P.S. Case No. 112 of 2004 dated 12.07.2004 u/s 147, 148, 149, 504, 323, 307 of IPC r/w & Sec. 27 of Arms Act. Upon completion of investigation, police submitted Charge-Sheet against all the five accused and the Id. Trial Court vide its order dated 03.02.2025 took cognizance for the commission of offence u/s 147, 148, 149, 323, 307, 504 of IPC r/w Sec. 27 of Arms Act against all the five accused and committed the record to

the Court of Sessions vide order dated 14.03.2005.

During the course of trial, accused Suresh Yadav absconded and the record of accused Suresh Yadav was separated from the trial of co-accused. Other four accused faced trial and were acquitted by the Court of Adhoc Additional Sessions Judge, vide judgment dated 20.09.2012. Subsequently, the absconded accused Suresh Yadav was apprehended and is now facing trial.

4. On 09.11.2005 charges under Section 147, 148, 323, 307, 504 of IPC r/w Sec. 27 of Arms Act were framed against the accused Suresh Yadav (A1) and the contents of the charges were explained to the accused in Hindi to which the accused pleaded not guilty and claimed to be tried.

5. Now the only question remains whether the prosecution has been able to prove its case beyond all reasonable doubts or not?

6. In order to prove its case the prosecution sought to examine seven witnesses, but has examined only four witnesses. These are:-

**P.W.-01** Brij Yadav @ Birju Yadav

**P.W.-02** Kedar Yadav

**P.W.-03** Sadhu Yadav

**P.W.- 04** Subodh informant

The prosecution has not relied on any documentary evidences in support of its case.

The defence has neither tendered any oral evidence nor has proved and exhibited any documentary evidence in rebuttal.

7. The accused was examined u/s 313 Cr.P.C. and the incriminating evidences against the accused were explained to the accused in Hindi to which the accused pleaded his innocence.

### **FINDINGS**

8. **PW-1 Brij Yadav @ Birju Yadav** has not supported the prosecution case and has stated that he does not know anything about the occurrence and police did not record his statements. P.W.1 was declared hostile by the prosecution.

In his cross-examination by the prosecution, P.W. 1 has denied the suggestion that he stated before the police that a quarrel took place with regard to the possession of gair majarua land between Birju Yadav, Bilas Yadav, Naresh Yadav, Suresh Yadav, Adhik Yadav on one side and Lakhan Yadav, Krishna Yadav, Sanjay Yadav, Subhodh Yadav, Kedar Yadav, Kamlesh Yadav and Rajeshwar Yadav on the other side and persons from

both the sides sustained injury. P.W. 1 has identified the accused in the dock. P.W. 1 has denied the suggestion that he has deposed falsely in collusion with the accused.

In his cross-examination by the defence P.W. 1 has stated that he has deposed on his own free will and volition and without any force, fraud and coercion and identified the accused as the accused hail from his village.

**PW-2 Kedar Yadav** has stated that the occurrence took place in the year 2004 and he heard about quarrel between Biru Yadav and Lakhan Yadav, but did not know as to why the occurrence took place. P.W. 2 has stated that police did not record his statement and he does not know as to who all sustained injury. P.W. 2 has claimed to identify the accused in the dock.

In his cross-examination by the defence P.W. 2 has stated that he has deposed on his own free will and volition and without any force, fraud and coercion and identified the accused as the accused hail from his village.

**PW-3 Sadhu Yadav** has not supported the prosecution case and has stated that he does not know anything about the occurrence and police did not record his statement. P.W. 3 was declared hostile by the prosecution.

In his cross-examination by the prosecution, P.W. 3 has denied the suggestion that he recorded his statement before the police and supported the prosecution case and had stated that he does not know as to who murdered the deceased Vikki Kumar. P.W. 3 has denied the suggestion that he has deposed falsely in collusion with the accused. P.W. 3 has identified the accused in the dock.

In his cross-examination by the defence P.W. 3 has stated that he has deposed on his own free will and volition and without any force, fraud or coercion. P.W. 3 has stated that he identified the accused as the accused hail from his village. P.W. 3 has stated that Lakhan Yadav was his grand-father who has died around 07-08 years ago and witness Sukhdev Yadav who also hail from his village has also died.

**PW-4 Subodh Yadav** has not supported the prosecution case and has stated that he does not know anything about the occurrence and police did not record his statement. P.W. 4 was declared hostile by the prosecution.

In his cross-examination by the prosecution, P.W. 4 has denied the suggestion that he recorded his statement before the police and supported the prosecution case and had stated that he does not know as to who

murdered the deceased Vikki Kumar. P.W. 4 has denied the suggestion that he has deposed falsely in collusion with the accused. P.W. 4 has identified the accused in the dock.

In his cross-examination by the defence P.W. 4 has stated that he has deposed on his own free will and volition and without any force, fraud or coercion. P.W. 4 has stated that he identified the accused as the accused hail from his village. P.W. 4 has stated that Lakhan Yadav was his grand-father who has died around 07-08 years ago and witness Sukhdev Yadav who also hail from his village has died.

9. It is the case of the prosecution as per the written report of informant Lakhan Yadav that he had submitted an application on 29.06.2004 to the District Magistrate, Sheikhpura for the illegal possession of the land of "Gauraiya Baba" by accused Biru Yadav, Bilash Yadav, Naresh Yadav, Suresh Yadav, Jano Yadav and Adhik Yadav. It is the case of prosecution that on 05.07.2004 at about 01:00 PM all the above named accused armed with lati, danda and pistol came at his house and not only abused him, but also assaulted him by lathi, danda, fat and fist. It is alleged that when the informant entered his house in order to save himself, accused Biru Yadav and Bilash Yadav fired at him from pistol, but somehow, he managed to flee. On hulla, when his nephew Subhodh Yadav and Kedar Yadav came to save him, all the accused assaulted him, however, when the villagers intervened, the informant as well as his nephews were saved.

The prosecution sought to prove its case by examining seven witnesses, but has examined only four witnesses and it has come in the evidence that the informant Lakhan Yadav and witness Sukhdev Yadav have died. It appears that P.W. 1, P.W. 3 and P.W. 4 have turned hostile and have not supported the prosecution case. P.W. 2 has also not supported the prosecution case, but this witness has not been declared hostile by the prosecution as such the evidence of P.W. 2 is binding on the prosecution. The Hon'ble Supreme Court in the matter titled as ***Raja Ram versus State of Rajasthan (2005) 5 SCC, 272*** has held that the evidence of a witness who has not been declared hostile by the prosecution binds the prosecution. P.W. 2 is a hearsay witness, but has not stated as to the source of his information. P.W. 2 has specifically stated that he has not seen the occurrence. The prosecution case in the absence of the evidence of the informant cannot be considered to be proved. The allegation of abuse and assault by the accused

has also not been proved by the prosecution.

The I.O. has also not been examined. The Hon'ble Supreme Court in the matter titled as **Ravishwar Manjhi versus State of Jharkhand (2008) 16 SCC 561** has highlighted that examining the I.O. is vital when the defence is denied the opportunity to confront witnesses with their earlier statements, causing significant prejudice. It becomes essential if there are crucial gaps in the prosecution case, such as when the witnesses are unreliable, to establish the correct place/ time of occurrence.

Here in this case, the prosecution has neither proved the place of occurrence nor the time and date of occurrence. The injury caused to the informant and the victim has also not been proved.

The intention and motive of the accused to commit the offence has also not been proved by the prosecution.

From the materials available on the record it appears that the prosecution case is a case of almost no evidence where nothing has been proved by the prosecution. The prosecution has miserably failed to prove its case beyond all reasonable doubts against the accused facing trial under Sections 147, 148, 323, 307, 504 of IPC r/w Sec. 27 of Arms Act. Hence, the prosecution case fails. Consequently, accused, namely, Suresh Yadav (A1), is **acquitted** from all the charges leveled against him and the accused is also discharged from the liabilities of his bail bonds.

Pronounced in the Open Court.

Office is directed to consign the record to the record room after completion of all the formalities.

Dictated and corrected by me

(Dictated)

(Neeraj Kishore)  
Distt & Addl Sessions Judge-1st  
-cum- Special Judge, SC/ST Act.  
Sheikhpura.  
14.05.2026

(Neeraj Kishore)  
Distt. & Addl. Sessions Judge-1st  
-cum- Special Judge, SC/ST Act.  
Sheikhpura.  
14.05.2026

**FORM C****LIST OF PROSECUTION /DEFENCE/COURT WITNESSES****A. Prosecution**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Brij Yadav @ Birju Yadav	OTHER WITNESS
PW2	Kedar Yadav	OTHER WITNESS
PW3	Sadhu Yadav	OTHER WITNESS
PW4	Subodh Yadav	OTHER WITNESS

**B. Defence Witnesses, if any: Nil.**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	Nil
	Nil	Nil

**C. Court Witnesses, if any: Nil.**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	Nil
	Nil	Nil

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS****A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	Nil	Nil

**B. Defence: Nil.**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>

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1.	Nil	Nil
2.	Nil	Nil

**C. Court Exhibits :** Nil.

Sr. No.	Exhibit Number	Description
1.	Nil	Nil
2.	Nil	Nil

**D. Material Objects:** Nil

Sr. No.	Material Number	Object	Description
1.	Nil		Nil
2.	Nil		Nil

(Neeraj Kishore)

Distt. & Addl. Sessions Judge-1st  
-cum- Special Judge, SC/ST Act.  
Sheikhpura.  
14.05.2026

Date of Judgment /Order	14.05.2026
Date of Reserving Judgment/Order	04.05.2026
Uploading date	14.05.2026
Uploaded by	Md. Reyazul Haque