

Distt: Supaul

IN THE COURT OF SESSIONS JUDGE, SUPAUL

Present:- Anant Singh
Sessions Judge, Supaul

Supaul, dated- 14th May of 2026.

ST-85/2023

(Arising out of Triveniganj PS case No.-159 of 2016, dated-07-06-2016 under Sections 341, 323, 324, 504, 506, 379 of I.P.C corresponding to GR No.-1450/2016 committed to the court of Sessions by Ld. A.C.J.M-1st Supaul on 23.02.2023)

State (Through Sanjay Kumar)

..... **Informant.**

Vs.

1. Raj Kumar Yadav, aged about 56 years
2. Suresh Kumar Yadav, aged about 38 years
3. Sachin Kumar, aged about 40 years
4. Raben Kumar, aged about 40 years

.....**Accused Persons.**

FIR:- U/s 341, 323, 324, 504, 506, 379/34 of I.P.C on 07-06-2016.

Charge-sheet-U/s 341, 323, 324, 504, 506, 379, 307/34 of I.P.C on 30.06.2019.

Cognizance- U/s 341, 323, 324, 504, 506, 379, 307/34 of I.P.C on 09-12-2019.

Ld. Counsel of State: Sri Rajesh Kumar Singh, Ld. Addl. PP

Ld. Counsel of Defence: Sri Ramesh Kumar, Ld. Advocate

ORDER

1. In the above noted case altogether four accused persons were charged and facing the trial for the offence punishable under Sections 341, 323, 324, 504, 506, 379, 307 read with Section 34 of I.P.C vide order dated-31-03-2023.

2. In brief, the prosecution story is that on dated-07-08-2016, a written application was given by the informant namely, Sanjay Kumar, S/o Shaligram Yadav to the police of Triveniganj Police Station and stating therein that today at about 01:30 PM, he along with his elder brother namely, Suben Kumar were going to participate in *bhoj* and when they reached near the house

of Raj Kumar Yadav, then Raj Kumar Yadav threatened him and started pressurizing him about not to ply his tractor in the village. The informant further stated that accused having the farsa and assaulted the informant on his head thereby he sustained injury and blood was started oozing. When the elder brother Suben Kumar tried to save him, then accused also assaulted on his head by farsa and he also sustained injury. In the meantime, the cousin brother of Raj Kumar Yadav namely, Kamleshwari Yadav, his son Suresh Kumar Yadav, Sachen Kumar and Raven Kumar also came there and started abusing and assaulting the informant. When the wife of the informant tried to save her husband then accused persons also abused her and accused Kameleshwar Yadav snatched Rs.2000/- from her.

On the basis of the above said written application of the informant, police of Triveniganj P.S registered a case under Sections 341, 323, 324, 504, 506, 379/34 of I.P.C on 07-06-2016 bearing P.S Case no. 159/2016.

3. After completion of the investigation police has submitted the charge-sheets against accused persons on 30-06-2019. Ld. A.C.J.M-I, Supaul has taken cognizance against the accused persons namely, 1. Raj Kumar Yadav, 2. Kamleshwari Yadav, 3. Suresh Kumar Yadav, 4. Sachen Kumar Yadav and 5. Ruben Kumar, under Sections 341, 323, 324, 504, 506, 379, 307/34 of I.P.C vide order dated-09-12-2019. The police paper was supplied to the accused persons.

4. The offence under Section 307 of I.P.C is exclusively triable by the court of Sessions and, hence, the record was committed to this court by the Ld. A.C.J.M-I, Supaul, vide order dated-23-02-2023 for trial and disposal to this court.

5. After commitment of the record the charged against accused persons were framed on 31-03-2023. Thereafter, summon was issued to the charge-sheet witnesses on 16-05-2023. Thereafter, summon was also issued to the witnesses & informant on 07-02-2025. NBW was also issued to the

witnesses on 17-05-2025. And case record was also brought to the knowledge of Ld. Public Prosecutor and seen by him to produce the witnesses on 30-07-2025. And thereafter, the record was also adjourned for seven times but no prosecution witnesses appeared before this court. The court cannot and should not wait for indefinite period for the prosecution witnesses. After finding no other alternative this court was forced to close the prosecution evidence vide order dated 13-04-2026.

Thereafter, the statement of the accused persons were recorded on today i.e. 14-05-2026.

CONCLUSION

Hence, taking into consideration all the facts and circumstances as discussed above this court has no other alternative but to acquit the accused persons under Section 255 of BNSS as there is no evidence that accused persons have committed the offence because there is complete lack of evidence as prosecution has not produced any witnesses against the accused persons. Accordingly, the accused persons namely, 1. Raj Kumar Yadav, 2. Suresh Kumar Yadav, 3. Sachen Kumar and 4. Raben Kumar, are not held and not found guilty for the offence punishable under Sections 341, 323, 324, 504, 506, 379, 307 read with Section 34 of I.P.C and therefore, they are **“Acquitted”** as provision laid down under Section 255 of BNSS from the same. The accused persons are on bail and their bail bonds are cancelled and their bailors are discharged.

The order signed, dated, sealed and pronounced by me in the open court today.

File be consigned to record room after due formalities.

Dictated & Corrected by me

Sd/-

(Anant Singh)

Sessions Judge, Supaul

Dated:-14-05-2026