

IN THE COURT OF MISS KIRAN KUMARI JUDICIALMAGISTRATE FIRST CLASS,
BALLIA, BEGUSARAI
Present: MISS KIRAN KUMARI
G.R. No. 274/2015
S. Kamal P.S. Case No. 20/2015

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
SUB DIVISION- BALLIA
DISTRICT -BEGUSARAI (BIHAR)
(G.R. CASE NO. 274 of 2009)
PRESENT:- MISS KIRAN KUMARI
FORM -A

IN THE COURT OF MISS KIRAN KUMARI JUDICIAL MAGISTRATE FIRST CLASS, BALLIA, BEGUSARAI Present: MISS KIRAN KUMARI Date of Judgment: 25.03.2026 G.R. No. 274/2015 Ballia P.S. Case No. 20/2015	
STATE THROUGH	Mukesh Yadav
REPRESENTED BY	Sri Prince ChandPandey, Ld. APO
ACCUSED	1. Bhuro Yadav aged about-33 years, S/o- Munna Yadav 2. Shintu Yadav aged about- 38 years, S/o- Ram Prakash Yadav 3.Santosh Yadav, aged about- 32 years, S/o- Umesh Yadav 4. Chattis Yadav, aged about- 48 years, S/o- Umesh Yadav 5. Patel Yadav, aged about- 36 years, S/o- Bateshwar Yadav 6. Amarjeet Yadav, aged about- 46 years, S/o- Ramaksha Yadav 7. Subodh Yadav, aged about- 52 Years, S/o- Ram Prakasha Yadav
REPRESENTED BY	Sri. Rajeev Ranjan, Ld. Defence Counsel



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FORM -B

Date of offence	19-01-2015
Date of FIR	19-01-2015
Date of charge sheet	27-07-2015
Date of cognizance	28-10-2015
Date of Accusation Explained	16-03-2016
Date of commencement of evidence	15-05-2016
Date of closing of evidence	19-02-2026
Date of which judgment is reserved	25-03-2026
Date of the Judgement	25-03-2026
Date of Sentencing Order, If any	---

Accused Details:-

Rank of the Accused	A1
Name of Accused	1. Bhuro Yadav aged about-33 years, S/o- Munna Yadav 2. Shintu Yadav aged about- 38 years, S/o- Ram Prakash Yadav 3. Santosh Yadav, aged about- 32 years, S/o- Umesh Yadav 4. Chattis Yadav, aged about- 48 years, S/o- Umesh Yadav 5. Patel Yadav, aged about- 36 years, S/o- Bateshwar Yadav 6. Amarjeet Yadav, aged about- 46 years, S/o- Ramaksha Yadav 7. Subodh Yadav, aged about- 52 Years, S/o- Ram Prakasha Yadav R/o--Govindpur, P.S- Ballia District-Begusarai
Offences Charged with	U/s- 341, 323, 504/34 of IPC

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Whether Acquitted or convicted	Acquitted
Sentence Imposed	---

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
P.W- 1	Kapil Dev Pd. Yadav	Informant
P.W- 2	Sagar Pd. Yadav	Prosecution Witness
P.W-3	Mukesh Yadav	Prosecution Witness

B. Defence Witnesses, If any:

RANK	NAME	NATURE OF EVIDENCE
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Court Witnesses if any:

RANK	NAME	NATURE OF EVIDENCE
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
01	Exhibit-01	Signature of informant on FIR

B. Defence:

RANK	NAME	NATURE OF EVIDENCE
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C. Court Exhibits

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D. Material Object:

Serial No.	Exhibition No.	Description
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JUDGEMENT

1. The prosecution case, as emerging from the written report of the informant Mukesh Yadav is that he was doing maize farming with his brother Rakesh Yadav on 1 bigha of land. It further transpires that around 2 PM Subodh Yadav, Pankaj Yadav, Amarjeet Yadav, Shintu Singh. Santosh Yadav and other accused came to his field and starting abusing them. He further states that they did 2-3 firing and said that they have to pay Rs-1 lack then they will be allowed to work in the field. He further transpires that when the informant and his brother resisted then all the accused started beating him with fist and slap and Subodh Yadav in intention to kill them fired from his pistol but they saved their life by felling on the ground. It further transpires that the Munna tool Rs-45,00 from the pocket of his

2. After investigation, the police submitted Charge Sheet on 27-07-2015 U/s- 341, 323, 504/34 of IPC and Cognizance of offences was taken on 28-10-2015 under section U/s- 341, 323, 504/34 of IPC. On 16-03-2016 at appearance of the accused, copies were furnished under Section 207 Cr.P.C and on the same date accusation were explained U/s- 341, 323, 524/34 IPC. to which the accused pleaded not guilty and claimed trial.

3. The prosecution examined **Four**, namely:

P.W.1- Kapil Dev Pd. Yadav in his Examination-in-Chief stated that the incident occurred on 19-01-2015 at around 2 PM. He further stated that Mukesh and Rakesh Yadav were watering their maize flower. He further stated that Subodh, Shinty, Amarjeet, Indrajeet, Umesh Yadav, Bipin, Santosh and other accused came to the field and fired 2-3 times. He further stated that the accused demanded Rs-1 lac. He further stated that the accused assaulted Mukesh and Rakesh. During his Cross-Examination he stated that the accused is his village. He further stated that he cannot tell how many people were present at the place of incident.

P.W.2- Sagar Pd. Yadav In his **Examination-in-Chief** stated that the incident occurred on 19-01-2015 at around 2 PM. He further stated that Subodh, Pankaj, Amarjeet, Tuntun and other accused came to the field and demanded RS-1 lack as rangdaari. He further stated that the accused took Rs- 4300 from the pocket of the informant. He further stated that the case has been filed for this incident. During his **Cross-Examination** he stated that he does not know whether other case is also lodged against the accused apart from this case. He further stated that he reached the place of incident after hearing the noise

P.W-3 Mukesh Yadav in his **Examination-in-chief** stated that the incident occurred on 19-01-2015 at around 2 PM and he along with his brother Rakesh was watering the field then Subodh, Pankaj, Mantu, Indrajeet, Umesh, Bipin, Munna and other accused came and started abusing them and demanded Rs- 1 lack and started assaulting and abusing. He further stated that after firing people gathered at the spot and the accused escaped from the

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supported by recovery of weapon, seizure list, forensic evidence. This shows exaggeration and falsity of the case. The prosecution has failed to prove the case beyond reasonable doubt. As per settled law, **benefit of doubt must go to the accused**. The defence prays that the accused persons be acquitted as the prosecution has failed to establish the charges beyond reasonable doubt.

7.

Points for Determination

The following points arise for determination:

- Whether the accused persons wrongfully restrained the informant and his brother? (Section 341 IPC)
- Whether the accused voluntarily caused hurt to the informant and his brother? (Section 323 IPC)
- Whether the accused intentionally insulted and provoked breach of peace? (Section 504 IPC)
- Whether the prosecution has proved the charges beyond reasonable doubt?

8.

Appreciation of Evidence

The entire case of the prosecution rests upon the testimonies of three witnesses including the informant. P.W.1 (Kapil Dev Yadav) claims to be an eyewitness, but in cross-examination he admitted that he could not specify how many persons were present at the place of occurrence. This creates doubt regarding his presence and reliability. P.W.2 (Sagar Yadav) is not an eyewitness to the occurrence. He clearly stated that he reached the place of occurrence after hearing noise. Therefore, his testimony is **hearsay in nature** and cannot be relied upon for proving the occurrence. P.W.3 (Mukesh Yadav - Informant) is the main witness. However, There are **material contradictions** in his statement regarding the number of accused and firing. No **independent witness** has been examined despite the claim that many persons gathered. There is **no medical evidence** to support the allegation of assault. The allegation of firing is serious, yet, no **injury report**, No **seizure of weapon**, and No **forensic evidence** has been produced. Further, although allegations of **extortion (rangdaari)** and **firing** were made in the FIR, the charge-sheet was submitted only under Sections 341, 323, 504 IPC, which indicates that the investigating agency did not find sufficient material for the graver offences. The prosecution has also failed to explain delay or deficiency in investigation, Absence of corroborative evidence, Non-examination of material witnesses (like Rakesh Yadav). After careful scrutiny of the entire oral and documentary evidence available on record, this Court proceeds to analyze each charge independently in light of settled principles of criminal jurisprudence.

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Section 341 IPC (Wrongful Restraint)

To bring home an offence under Section 341 IPC, the prosecution must establish that the accused **voluntarily obstructed** the informant; and Such obstruction **prevented him from proceeding in a direction in which he had a right to proceed.**

In the present case the prosecution witnesses have made **general allegations** that the accused came to the field and created disturbance. However, **no specific act of obstruction** has been described by any witness. There is **no evidence** showing that the informant or his brother attempted to move in a particular direction and were physically or forcibly prevented from doing so. The testimonies lack clarity regarding, the exact **manner of restraint**, the **duration of obstruction**, and the **role of individual accused persons**. Further, the witnesses have not consistently stated that the informant was **confined or blocked from movement**, which is a core ingredient of wrongful restraint. Therefore, in absence of **clear, cogent and consistent evidence**, the essential ingredients of Section 341 IPC remain unproved.

Section 323 IPC (Voluntarily Causing Hurt)

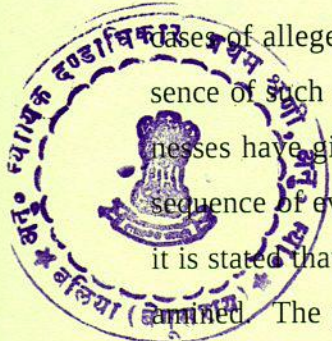
For conviction under Section 323 IPC, the prosecution must prove that **hurt was caused**, and that such hurt was caused **voluntarily by the accused.**

In this case no **injury report, medical certificate, or doctor's testimony** has been produced. In cases of alleged physical assault, medical evidence plays a **corroborative role**. The complete absence of such evidence raises serious doubt about whether any injury was actually sustained. Witnesses have given **varying versions** regarding, the manner of assault, the number of accused, the sequence of events. Such inconsistencies **erode the credibility** of the prosecution case. Although it is stated that villagers gathered at the place of occurrence, **no independent witness** has been examined. The prosecution has relied only on **interested witnesses**, whose testimonies require careful scrutiny. There is no clear evidence specifying **which accused caused what injury**. The allegations are **omnibus and general in nature**, making it unsafe to fix criminal liability. Thus, due to **absence of medical proof, contradictions in testimony, and lack of corroboration**, the prosecution has failed to establish the offence under Section 323 IPC.

Section 504 IPC (Intentional Insult with Intent to Provoke Breach of Peace)

To constitute an offence under Section 504 IPC, it must be proved that the accused **intentionally insulted** the informant, the insult was of such nature as to **provoke breach of peace**; and There was **intent or knowledge** that such provocation would cause disturbance.

In the present case the witnesses have merely stated that the accused **abused** them. However, **No specific words of abuse** have been stated in evidence. The nature of the alleged insult is **not described**. There is no material to show that the alleged insult was **intentional**, or that it was **likely**



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to **provoke breach of peace**. Mere use of vague expressions like "abused" without detailing the actual words or context is **insufficient to constitute an offence under Section 504 IPC**. Hence, the essential ingredients of intentional insult and provocation are not established.

Upon cumulative assessment of the evidence, this Court finds that the prosecution case suffers from serious infirmities. Material inconsistencies exist in the statements of witnesses regarding, number of accused, nature of occurrence, sequence of events. No **independent witnesses** have been examined despite availability. The prosecution case rests on **interested testimony**, which is not sufficiently reliable in the present circumstances. The allegation of assault remains **unsupported by any medical proof**, creating doubt about the occurrence of injuries. No recovery of weapon, No forensic or scientific evidence, No proper investigation into serious allegations like firing. It is a cardinal principle of criminal law that **the prosecution must prove its case beyond reasonable doubt, and any reasonable doubt must be resolved in favour of the accused**. In the present case, the evidence on record does not inspire confidence and falls short of the required standard of proof. Accordingly, this Court holds that the prosecution has **failed to prove the charges** under Sections 341, 323, and 504 IPC. The accused are entitled to the **benefit of doubt**.



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9.

Order

Accordingly, in view of the findings made above,

All the accused persons namely, 1. Bhuro Yadav, 2. Shintu Yadav, 3. Santosh Yadav, 4. Chattis Yadav, 5. Patel Yadav, 6. Amarjeet Yadav and 7. Subodh Yadav are hereby acquitted of the charges under Sections 341, 323, 504/34 of the Indian Penal Code. They are set at liberty forthwith, if not required in any other case.

(Dictated)

Kiran Kumari

(Kiran Kumari)

Judicial Magistrate Ist Class,
Ballia, Begusarai
Date: 25-03-2026

This Judgment is signed by me and pronounced in the open Court.

(Dictated)

Kiran Kumari

(Kiran Kumari)

Judicial Magistrate Ist Class,
Ballia, Begusarai
Date: 25-03-2026