

State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

**IN THE COURT OF SDJM
SHERGHATI (GAYA)**

Gurua PS Case No.- 99/2017

GR No. :- 1528/2017

Trial No.:- 1108/2025

State of Bihar Through Suresh Yadav.....Prosecution

Versus

1. Bhola Yadav S/o- Doman Yadav
2. Ashok Yadav S/o- Doman Yadav
3. Ravindra YadavDevi S/o- Jagdish Yadav
4. Ramswaroop Yadav S/o Hussaini Yadav
5. Pintu Kumar S/o Jagdish Yadav
6. Jagdish Yadav S/o Bhulan yadav

All accused are resident of Village- Dekha, P.S- Gurua, Dist- Gaya ...Accused

Cognizance Under- Section 147, 149, 323, 341, 325 & 504

Charged Under- Section 147, 149, 323, 341, 325 & 504

Learned Counsel for the state----- Ld. SDPO Dev Pujan

Learned Counsel for the Defence-----Ld Adv. Shreekanth Singh

**Present: - Rohit Sinha
SDJM, Sherghati (Gaya)
Date of Judgement: -28.11.2025**



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

Table of Content

FORM A.....	3
FORM B.....	3
FORM C.....	4
Accused Details:.....	5
JUDGEMENT.....	Error! Bookmark not defined.
FINDINGS.....	Error! Bookmark not defined.
THE POINT OF DETERMINATION.....	Error! Bookmark not defined.
ARGUMENTS OF THE PARTIES.....	Error! Bookmark not defined.
APPRECIATION OF EVIDENCE.....	Error! Bookmark not defined.
ORDERS.....	Error! Bookmark not defined.



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

FORM A

IN THE COURT OF SDJM, SHERGHATI (GAYA)

Present: -Rohit Sinha, SDJM, Sherghati

[Date of the Judgment: - 28-11-2025]

Gurua P.S-99/2017

[Gr.No:- 1528/2017]

Trial No: - 1108/2025

Informant	Suresh Yadav
Presented By	Ld SDPO Dev Punjan
Accused	Bhola Yadav, Ashok Yadav, Pintu Kumar Yadav, Jagdish Yadav, Ramswaroop Yadav, Ravindra Yadav
Presented By	Ld Adv Shreekant Singh



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

FORM B

Date of Offence	05-08-2017
Date of FIR	06-08-2017
Date of Charge Sheet	31-07-2018
Date of Cognizance	16-08-2018
Date of framing of Charge	17-08-2019
Date of evidence close	25-03-2025
Date of Statement u/s 313	14-05-2025
Date of the Judgment	28-11-2025
Date of the Sentencing Order, if any	NA



State of Bihar v Bhola Yadav & Ors
Gurgaon PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offenses Charged with	Whether Acquitted or Convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
1.	Bhola Yadav	26.11.2018	26.11.2018	Section 147, 149,323,325, 341,504 of the Indian Penal Code.	All are Acquitted	No	NA
2.	Ashok yadav	26.11.2018	26.11.2018				
3.	Pintu Kumar	26.11.2018	26.11.2018				
4.	Ravindra Yadav	26.11.2018	26.11.2018				
5.	Ramswaroop Yadav	26.11.2018	26.11.2018				
6.	Jagdish Yadav	26.11.2018	26.11.2018				

State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

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)
PW1	Suresh Yadav	Informant cum Victim
PW 2	Pankaj Yadav	Interested Witness
PW3	Indradeo Yadav	Interested Witness

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

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

B. Defence:

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



JUDGEMENT

1. Accused persons, namely Bhola Yadav, Ashok Yadav, Pintu Kumar, Ravindra Yadav, Ramswaroop Yadav, and Jagdish Yadav, are facing trial for allegedly having committed the offense against Rita Kumari under Section 147, 149, 323, 341, 325 & 504 of the Indian Penal Code.

2. **The case of the prosecution in brief is as under: -**

On 05.08.20217, The FIR was lodged based on a formal police complaint filed by Suresh Yadav. The informant alleges that on 05.08.2017, around 7:00 PM, his neighbour, Bhola Yadav, started digging a ditch directly in front of Suresh's doorway to divert water. When he protested against this, the situation quickly turned hostile. Bhola Yadav began shouting, attracting a group of his relatives and associates, identified as Ashok, Pintu Kumar, Ravindra, Ram Swaroop, and Jagdish Yadav, who converged on the scene and began a barrage of verbal abuse. The verbal altercation soon turned physical. He further alleged that Bhola Yadav struck him in the head with a khanti, while Jagdish and Pintu Yadav beat him with sticks, resulting in injuries to his back and left hand. The assault only ended when other villagers intervened to break up the fight.

His home was located far from the local police station. Hence, he travelled to the Gurua Police Station the next morning, August 6, 2017, to submit this written statement.

3. On 16.08.2018 cognizance was taken under Section 147, 149, 323, 341, 325 & 504 of the Indian Penal Code, and under the same section, charge *was framed and explained in Hindi*, to which they denied and claimed to be innocent.



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
CR No:- 1528/2017
Date of Judgement :- 28.11.2025

4. The prosecution in total has examined 3 witnesses and has not proved any documents.
5. The statements of all accused have been recorded u/s 313 of the CrPC. The defence of the accused person is the total denial of the occurrence. The defence has not produced any witnesses in this case.

FINDINGS

6. During the trial, the prosecution examined 3 witnesses in its favour. The witnesses examined by the prosecution are:

I. Suresh Yadav	PW1	(Informant cum victim)
II. Pankaj Yadav	PW2	(Interested Witness)
III. Indradeo Yadav	PW3	(Interested Witness)

The prosecution has not exhibited any documents to prove the case.

7. **PW1 Suresh Yadav**, in his examination-in-chief, deposed that the incident occurred five years ago at approximately 7:00 PM. On that day, he had returned home after plowing his fields. At the time, his house was under construction. He observed the accused, Bhola Yadav, digging a ditch and pouring water, which led to a heated argument between the his grandson, Siddhi Kumar, and Bhola. he tried to stop his grandson from arguing and began walking toward his house. At that moment, Bhola Yadav allegedly emerged from his house and struck the him on the head with a stick resulting a fracture in the head. Other accused persons namely Ashok Yadav, Pintu, Ravindra, Ram Swaroop, and Jagdish joined the assault. Ashok Yadav reportedly struck his legs with a lathi, causing him to fall. Once on the ground, Ashok continued to hit his hands and body. His nephews namely Ajit, Santosh, Vinod and his son Shyam Sundar eventually arrived to help, causing the attackers to flee. The informant was



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

taken to the Gurua Police Station, then to a local hospital, and finally to Gaya, where he remained hospitalized for three days.

In his **cross examination**, he clarified that he had been working in his fields until 5:00 PM that day. He further stated that although his family was at home, his first interaction upon returning was with Bhola Yadav, though they did not speak initially. He reiterated that he told his grandson to let the water flow so the house wouldn't collapse. As he walked away, he was struck and fell near Bhola's door, losing consciousness for about half an hour. He was later moved near a Peepal tree by his nephew Ajit and then taken to the police station by Ajit and his son, Shyam Sundar. He admitted that he is illiterate; his son wrote the application, and he affixed his thumb impression. He also testified that Bhola Yadav alias Rajendra Yadav has filed a counter-case Case No. 98/17 against his son and nephews.

8. PW2 Pankaj Kumar, the grandson of the informant, in his **examination-in-chief**, deposed that the incident occurred in 2017 at approximately 7:00 PM while he was at home. His neighbour, Bhola Yadav, has a cowshed (gaushala) in front of their land. Nearby, he used to keep firewood (jalawan). Water began flowing from that area into Bhola Yadav's cowshed, and upon this, Bhola Yadav verbally abused them. When his grandfather, Suresh Yadav, passed by and told Bhola to stop the verbal abuse, Ashok Yadav and Bhola Yadav attacked him with a khanti. Due to the assault, the informant sustained injuries to his head. Other accused, namely Pintu Yadav, Ravindra Yadav, Ram Swaroop Yadav, and Jagdish Yadav, were also present, armed with khanti, sticks and iron rods. During the scuffle, he also sustained an injury to his right leg. The victim cum informant was first treated at the Gurua Government Hospital before being referred to ANMCH in Gaya, where he remained for three days. The witness concludes by identifying all the accused present in court.



In his **cross-examination**, he clarifies that the incident took place on 15.08.2017 and that he was alone at home at that time. Bhola Yadav's house is about 5 bans from his house. He admits that he reached the place of the incident only after hearing the shouting, and till then, the fighting had started. He confirms that the police recorded his statement, as well as the statements of Suresh Yadav, Indradev Yadav, Pravesh Yadav, and Umesh Yadav, at Bhola Yadav's house. He also deposed that his fufa, Vinay Yadav, assisted in taking Suresh Yadav for treatment. The witness denies any knowledge of whether he or his grandfather is named as an accused in the counter cases, Case Nos. 107/17 and 98/17 filed by the accused persons.

9. PW2 Indradeo Yadav, the brother of the informant, in his **examination-in-chief**, states that the incident occurred in 2017. He was at home at the time when the accused, Bhola Yadav, started a physical fight with his brother, Suresh Yadav, who was returning from the fields after ploughing. Upon hearing the commotion, he arrived at the scene and saw Bhola Yadav, Ashok Yadav, Pintu Yadav, and others assaulting the informant. He testified that Bhola Yadav struck Suresh on the head with a khanti, which caused severe injury to his head. Pankaj took Suresh to the Gurua Government Hospital, from where he was referred to the ANMCH Medical College in Gaya. He identified the accused persons, namely Bhola Yadav, Swaroop Yadav, and Ravindra Yadav, who were present in the courtroom. In his **cross-examination**, he clarified that he was milking his cow for about ten minutes when the incident began. By the time he reached there, the physical altercation was already underway. He admits that he did not personally take the informant to the hospital for medical treatment. The witness confirms that the informant cum victim is his sahodar bhai. He also admits that the accused party has filed a counter case against the informant and his family.



THE POINT OF DETERMINATION

10. Now, the sole point for determination before the Court is whether the prosecution has been able to prove the charges against the accused persons beyond the shadow of all reasonable doubt or not.

ARGUMENTS OF THE PARTIES

11. During arguments, the prosecution has argued that all the witnesses have supported the prosecution's story. The PW1 has been consistent in his evidence, PW2 & PW3 have fully supported the informant cum victim. Evidence of all the witnesses withstood the test of the cross-examination and is intact. Further, the defence failed to produce any reasonable doubt.
12. The defence counsel submits that the prosecution has failed to prove the charge against the accused beyond a reasonable doubt. All the witnesses were interested witnesses. Further, submitted that there have been inimical relations between the parties. Therefore, their testimonies can't be relied upon. Also, the prosecution has failed to explain the delay of nearly 12 hrs in lodging the FIR.

APPRECIATION OF EVIDENCE

13. *In toto*, the complainant has produced 2 witnesses. PW2 is a hearsay witness & PW1 is an eyewitness.
1. **Injury report was not proved:-** In the present case, PW1 had admitted that he and the complainant got injured in the assault. He received treatment in the private hospital. He further submitted that



he will produce the medical document in court. But the complainant failed to prove any such document during the trial.

II. **Formal Witnesses were not examined:-** In the present case, neither the doctor nor the investigating officer was examined. Further, PW2 deposed that Rita was given medical treatment after the assault. But he had not submitted any document.

III. **Lack of independent corroboration:-** PW2 is the grandson & PW3 is the brother of the informant. Further, PW1 & PW3 had admitted that the accused persons had instituted a case against them. Both are interested witnesses. Further PW2 is a hearsay witness with respect to the event which occurred in the jungle.

The three-judge Bench of Hon'ble Apex Court in **Hari Obula Reddy and Ors. Vs. The State of Andhra Pradesh, (1981) 3 SCC 675**, observed that : " it is well settled that interested evidence is not necessarily unreliable evidence. Even partisanship by itself is not a valid ground for discrediting or rejecting sworn testimony. Nor can it be laid down as an invariable rule that interested evidence can never form the basis of conviction unless corroborated to a material extent in material particulars by independent evidence. All that is necessary is that the evidence of interested witnesses should be subjected to careful scrutiny and accepted with caution."

In the case of **Raju @ Balchandran vs. State of Tamil Nadu (2012) 12 SCC 701**, the Hon'ble Supreme Court has held that "a court should examine the evidence of a related and interested witness having an interest in seeing the accused punished and also having some enmity with the accused with greater care and caution than the evidence of a third party disinterested and unrelated witness. The evidence of a related or interested witness should be meticulously and carefully examined.



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

Therefore, taking into consideration the above discussion, it appears that PW2 & PW3 are interested witnesses and in the absence of corroboration on material particulars, the evidence of PW1, PW2 and PW3 is found to be not reliable. Hence, the testimonies of PW2 & PW2 can't be relied upon. Further, neither the injury report nor any medical document regarding the treatment was produced by the witnesses.

14. Thus, considering the overall facts, discussions, and circumstances, this court concludes that the evidence produced by the prosecution is insufficient to convict. The prosecution has failed to prove the charge under Section 147, 149, 323, 341, 325 & 504 of the Indian Penal Code beyond a reasonable doubt, and hence, the following orders are passed.

ORDERS

- I. All accused, namely **Bhola Yadav, Ashok Yadav, Pintu Kumar, Ravindra Yadav, Ramswaroop Yadav, and Jagdish Yadav** are hereby **acquitted** of all the charges.
- II. The accused persons are discharged of all their liabilities towards their respective bail bonds, and the sureties are also discharged of all their respective liabilities as regards their bonds.

(Typed & corrected by me)



State of Bihar v Bhola Yadav & Ors
Gurua PS case No:- 1528/2017
GR No:- 1528/2017
Date of Judgement :- 28.11.2025

Pronounced in Open Court
on this 28th day of November 2025.

Rohit Sinha

ROHIT SINHA

SDJM

Sherghati (Gaya)

28-11-2025



Rohit Sinha

ROHIT SINHA

SDJM

Sherghati (Gaya)

28-11-2025

