

**FORM A**

IN THE COURT OF <b>Additional Sessions Judge-II, Aurangabad( Bihar)</b> Present: <b>Anindita Singh,</b> <b>Additional Sessions Judge-II, Aurangabad, Bihar.</b> [Dated, The 30 <sup>th</sup> March 2026] [Sessions Trial No. 260 of 2012 182 of 2023] ( Arising out of Uphara PS case no. 14/2011 dated Daudnagar(Uphara) lodged/s 304(B), 201 IPC)	
Complainant	State of Bihar through Informant (Kishori Paswan)
REPRESENTED BY	Sri Shyamnandan Tiwari, Public Prosecutor.
ACCUSED	1. Rampukar Paswan@ Ramkumar Paswan, aged about 45 years (A1).
REPRESENTED BY	Sri Dharmendra Kumar, Advocate

**FORM B**

Date of Offence	15.4.2011
Date of FIR	16.4.2011
Date of Charge-sheet	29.3.2012
Date of Framing of Charges	17.12.2012
Date of commencement of evidence	24.6.2013
Date on which judgment is reserved	10.3.2026
Date of the Judgment	30.3.2026
Date of the Sentencing Order, if any	N/A

**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.
A1	Rampukar Paswan	31.1.12	12.10.12	Section 364 IPC	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
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		<b>WITNESS, PANCH WITNESS, OTHER WITNESS)</b>
<b>PW1</b>	<b>Radhika Devi</b>	<b>Mother of deceased</b>
<b>PW2</b>	<b>Kishori Paswan</b>	<b>Informant witness.</b>
<b>PW3</b>	<b>Subhash Yadav</b>	<b>Hostile witness</b>
<b>PW4</b>	<b>Satyendra Paswan</b>	<b>Hostile witness</b>
<b>PW5</b>	<b>Sikander Yadav</b>	<b>Hostile witness</b>
<b>PW6</b>	<b>Ram Janam Paswan</b>	<b>Hostile witness</b>
<b>PW7</b>	<b>Kapil Yadav</b>	<b>Hostile witness</b>
<b>PW8</b>	<b>Chandra Shekhar Paswan</b>	<b>Hostile witness</b>
<b>PW9</b>	<b>Mandodari Devi</b>	<b>Hostile witness</b>

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

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

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

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

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1.</b>	<b>Ext.-1</b>	<b>Written report</b>

**B. Defence:**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1.</b>	<b>NIL</b>	<b>N/A</b>

**C. Court Exhibits**

<b>Sr. No.</b>	<b>Exhibit Number</b>	<b>Description</b>
<b>1</b>	<b>NIL</b>	<b>N/A</b>

**D. Material Objects:**

Sr. No.	Material Object Number	Description
1	NIL	N/A

### J U D G E M E N T

1. The sole accused has been charged for kidnapping Nago Devi in order to commit murder of her which is punishable under section 364 IPC.

The occurrence is said to have been taken place on 15.4.2011 at village Bela, PS-Uphara, District-Aurangabad.

2. The case of prosecution which flows from the written report of the informant Kishori Paswan in short is that he has married his daughter Nago Kumari 10 years ago with Rampukar Paswan in accordance with Hindu rites and rituals at village Bela, PS Uphara. After some years of the marriage his son-in-law started torturing his daughter for Rs. 50000/- cash and one motorcycle. She was many times abused and assaulted at the hands of Rampukar Paswan. The matter was also addressed by her to the informant but the informant showed his inability to meet the demand of his son-in-law. Thereafter, on 15.4.2011 at 2:00 PM he was informed by one villager of village Bela that his daughter has been taken for treatment after brutal assault. On such information the informant went to the matrimonial house of his daughter but found the door locked. From the villagers he got knowledge that his daughter has been taken to village Bantara. At village Bantara informant got information through the villager that one female on cot has been brought there who was taken to village Mali. Then the informant went village Mali and there he got information that female has been taken towards the Punpun river but he did not find any trace of her. Again he went to the matrimonial house of his daughter but couldn't find anyone except the mother-in-law aged about 70 years who also told him that Rampukar Paswan has brutally assaulted Nago Devi and has taken her somewhere for treatment. Suspicion has been raised that Rampukar Paswan has killed the daughter of the informant and has disappeared her dead body, in which there is also role of Ranvi Paswan, Sashi Paswan, Sanjay Paswan of village Bela. Hence the case.

3. On the basis of the written report of the informant FIR was registered at Uphara police station and the charge of investigation was entrusted to S.I. T.K. Jha who, after completion of investigation submitted charge-sheet against the accused persons keeping investigation pending on other points, upon which, cognizance

was taken. The present case was committed to the Court of Sessions vide order dated 13.7.12 and after framing of charge the accused was put on trial.

4. The case of the defence is denial of entire occurrence and the accused has claimed innocence.

5. Now, the main point for determination arises before this court whether the prosecution has been able to substantiate the charges levelled against the accused persons beyond shadow of all reasonable doubts or not?

6. In the instant case altogether nine witnesses have been examined on behalf of prosecution in support of its case. They are-

RAN K	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Radhika Devi	Mother of deceased
PW2	Kishori Paswan	Informant witness.
PW3	Subhash Yadav	Hostile witness
PW4	Satyendra Paswan	Hostile witness
PW5	Sikander Yadav	Hostile witness
PW6	Ram Janam Paswan	Hostile witness
PW7	Kapil Yadav	Hostile witness
PW8	Chandra Shekhar Paswan	Hostile witness
PW9	Mandodari Devi	Hostile witness

7. In form of documentary evidences, following documents has been exhibited.

Sr. No.	Exhibit Number	Description
1.	P-1	Written report

8. PW-1 is Radhika Devi who is wife of informant as well as mother of deceased Nago Devi. She has stated in her examination-in-chief that she has married her daughter 20 years ago with Rampukar Paswan. Her daughter has died due to illness at her sasural itself. This witness has been declared hostile on the request of prosecution.

During cross-examination she has stated that the relationship between her daughter and son-in-law was cordial and they often used to meet her.

**9. PW-2 is Kishori Paswan who happens to be informant as well as father of the deceased.** He has stated in his examination-in-chief that he had married his daughter Nago Devi 8 years ago with Ramkumar Paswan about 2 ½ years ago. She died at her matrimonial house due to illness. The information of which she also given to him and he along with his family members had also gone tat village Bela. He was told by his *samdhan* that for the purpose of treatment of Nago Devi has been taken to Bantara. He also went at village Bantara but couldn't found his daughter there and thereafter he was informed on mobile by his son-in-law that Nago Devi died. He also participated in the cremation and last rites of his daughter. He has further identified and proved his handwriting and signature on written report which has been marked as Exhibit-P-1. This witness too has been declared hostile on the request of prosecution.

During cross-examination he has stated that his daughter was patient of epilepsy and the villagers enticed him to file case against his son-in-law but actually his daughter died due to illness. He has further stated that during her lifetime his daughter never complained of any ill treatment at the hands of her husband.

**10. PW-3 is Subhash Yadav, PW-4 Satendra Paswan, PW-5 Sikander Yadav, PW-6 Ram Janam Paswan, PW-7 Kapil Yadav & Pw-8 Chandra Shekhar Paswan** who are residents of village Bela and are independent witnesses have been declared complete hostile witnesses and have stated nothing about the incident and have denied that police had recorded their statements during the investigation of the case.

**11. PW-9 is Mandodari Devi** who is mother-in-law of deceased Nago Devi . She has stated in her examination-in-chief that 4-5 years ago Nago Devi had died due to illness. Her son Rampukar Paswan had taken Nago Devi Bantara for treatment and there she died due to epilepsy. This witness too has been declared hostile on the request of prosecution.

**10.** On behalf of defence neither any oral or nor any documentary evidence has been adduced in form of rebuttal.

#### **DISCUSSION, DECISION AND REASONS THEREOF :**

**11.** Considered the materials available on the case record as far as charge against the accused person is concerned, it is the case of prosecution as per the written report of the informant that he took Nago Devi to Bantara and committed murder of her and disappeared her dead body.

In this connection PW-1 the mother of the deceased, PW-2 the informant as well as PW-9 the mother-in-law of the deceased all have stated in one tune that Nago Devi died due to epilepsy at her matrimonial house. It has also

been stated by PW-2 in para 1 of his examination-in-chief itself that he also participated in the last rites of his daughter. All these witnesses who are the family members of the deceased have stated that Nago Devi was patient of epilepsy and for the purpose of treatment she was taken by the accused at village Bantara where she died. All the independent witnesses who are the resident of the PO village have also not supported the case of prosecution and have shown their ignorance about the cause of death of Nago Devi.

12. After encompassing all the materials available records particularly considering the testimonies of informant and his wife, I come to the conclusion that the prosecution has miserably failed to substantiate the charge levelled against the accused and there is absolutely no evidence against the present accused consistently the accused deserves to be acquitted.

13. Resultantly, both the accused person Rampukar Paswan@ Ramkumar is hereby acquitted of the charge under Section **364 IPC**. Accused is on bail so he & his bailors are also discharged from liabilities of their respective bail-bonds. He is now set at liberty.

Dictated and corrected by me

(Anindita Singh )  
Addl. Sessions Judge II  
Aurangabad  
Date- 30.3.2026

( Anindita Singh)  
Addl. Sessions Judge II  
Aurangabad  
Date- 30.3.2026

<i>Date of Judgment/order</i>	30.3.2026
<i>Date of Reserving Judgment/order</i>	10.3.2026
<i>Uploading Date</i>	30.3.2026
<i>Uploaded by</i>	Krishna Mohan