

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

FORM A

IN THE COURT OF SESSIONS JUDGE, BANKA <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 30.04.2026</i> Session Trial No. 05 of 2017 <i>[Banka Police Station Case No. 194 of 2015]</i> Crime:- 364/34 of IPC	
<i>Informant</i>	<i>Sanju Devi wife of Shravan Paswan, resident of village Bhikhanpur, police station Bounsi, district Banka</i>
REPRESENTED BY	<i>Sri Randhir Prasad Singh, A.P.P.</i>
ACCUSED	<i>1. Rohit Yadav son of Choti Yadav, resident of village Madhopur, police station Bounsi, district Banka</i> <i>2. Lalu Yadav son of Manikant Yadav @ Mani Yadav</i> <i>3. Manikant Yadav @ Mani Yadav son of Mahavir Yadav</i> <i>All residents of village Bhikhanpur, police station Bounsi, district Banka</i>
REPRESENTED BY	<i>Sri Bijay Kumar Singh, Adv.</i>

FORM B

<i>Date of Offence</i>	<i>29.03.2015</i>
<i>Date of F.I.R.</i>	<i>02.04.2015</i>
<i>Date of Charge-sheet</i>	<i>10.11.2015</i>
<i>Date of Framing of Charges</i>	<i>17.07.2017</i>
<i>Date of commencement of evidence</i>	<i>19.08.2017</i>

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

Date on which judgment is reserved	Nil
Date of the Judgment	30.04.2026
Date of the Sentencing Order, if any	Nil

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.
1	Manikant Yadav @ Mani Yadav			364/34 of IPC	Acquitted		
2.	Rohit Yadav			364/34 of IPC	Acquitted		
3.	Lalu Yadav			364/34 of IPC	Acquitted		

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW 1	Dinesh Paswan	Hearsay witness
PW 2	Bhawesh Sah	Hearsay witness
PW3	Laddu Paswan	Hostile witness

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

<i>PW4</i>	<i>Sanju Devi</i>	<i>Informant</i>
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B. Defene Witness, if any:

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>DW 1</i>	<i>Nil</i>	

C. Court Witness, if any:

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS</i>
<i>CW 1</i>	<i>Nil</i>	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

<i>Sr. No.</i>	<i>Exhibit Number</i>	<i>Description</i>
<i>1</i>	<i>Exhibit No. 1</i>	<i>Signature of informant on the formal FIR</i>

B. Defence:

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

C. Court Exhibits

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

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

D. Material Objects

<i>Sr. No.</i>	<i>Material Object Number</i>	<i>Description</i>
<i>1</i>	<i>Nil</i>	

J U D G M E N T

- 1. The above named accused are facing trial before this court upon an FIR lodged under Sections 364/34, which is based upon an application filed by one Sanju Devi with the allegations that on 29.03.2015, at about 02:00 pm, her elder son Lal Mohan Paswan went to see the carnival at Dhaka More with co-villagers (i). Pappu Sah, (ii). Paltu Paswan, (iii). Bishnu Sah, (iv). Guddu Paswan, (v). Nikesh Paswan. When on 30.03.2015, her son did not return, she went to accused persons and asked about her son upon which they informed her that he was separated from them in the carnival. It is alleged that her sister Rinku Devi had also went in the carnival and she told that her co-villagers Lalu Yadav, Mani Yadav, Rohit Yadav took her son in a vehicle. It is alleged that her son did not return till 02.04.2015. She raised suspicion that her son was kidnapped by Lalu Yadav, Mani Yadav and Rohit Yadav.*
- 2. On the application, Banka Police Station Case No. 194 of 2015, under Sections 364/34 was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer filed charge-sheet no. 348 of 2015, dated 10.11.2015, against three accused persons, namely, Manikant Yadav @ Mani Yadav, Rohit Yadav, Lalu Yadav under sections 364/34 of IPC.*

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

3. *On 03.12.2016, learned Chief Judicial Magistrate, Banka after going through the materials on record as well as the case diary and charge-sheet took cognizance against the charge-sheeted accused under Sections 364/34 of IPC and committed the case to the Court of Sessions on 19.12.2016.*
4. *On 17.07.2017, charges were framed against the accused under Sections 364/34 of IPC, which were read over and explained to the accused in vernacular language, for which they pleaded not guilty and claimed to be tried.*
5. *In order to prove its case prosecution examined as much as four witnesses : -*

***PW1** Dinesh Paswan, appeared in the witness box and in his examination-in-chief he stated that it is an incident of four years ago. At that time, he was out of village for earning his livelihood. When he came back, he heard that Lalmohan, Guddu etc. have gone to see the Chaiti carnival, from where Lalmohan did not return. After 10 days, he came to know that the case of kidnapping has been filed. The witness identified accused Mani Yadav who present before this Court. In cross-examination, the witness stated that he had talked with Lalmohan Yadav who told him that his parents had beaten him, therefore he left his house. He was not kidnapped. It is stated that on the basis of suspicion they have filed the false case against Manikant Yadav. He is innocent.*

***PW2** Bhawesh Sah, appeared in the witness box and in his examination-in-chief he stated that it is an incident of 3-4 years*

*In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalmohan Paswan & Ors.
Date of Judgment : 30.04.2026*

ago. He heard about the incident. He heard that Lalmohan Paswan son of Shravan Paswan had gone outside the house for earning. After one month he returned. No one had kidnapped him. On the basis of suspicion, the case of kidnapping had been filed. He identified Manikant Yadav present before this Court and claimed to identify other accused on seeing them. In cross-examination, the witness stated that Mani Yadav is his villager, so he identified. It is stated that Lalmohan and his family members told that no one had kidnapped him. This case has been filed in misunderstanding.

PW3 *Laddu Paswan, appeared in the witness box and in his examination-in-chief he outrightly denied having known anything about the incident. He stated that the police had not inquired from him. On the request of prosecution, this witness was declared hostile, however the prosecution could not excavate anything fruitful to its case by cross-examining its own witness.*

PW4 *Sanju Devi, appeared in the witness box and in her examination-in-chief stated that this incident is of 4 years ago at about 10:00 am. She was at home. Her son went to Dhakamore to see carnival but he did not return. He was in ninth standard. He had gone to see the carnival with co-villagers. She stated that after 10 to 15 days, she came to know that miscreants had left him in Delhi. Before this incident, Manikant Yadav had threatened her that he will drive away her cow; her son goes to school, he will chase him away, he will take his cycle. After the threatening, on next day her son was kidnapped. She stated that they searched but Manikant Yadav*

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

had given her son in a hotel. Later on, her son was recovered from the hotel of Delhi. Her son told her that he was left there by the miscreants. It is stated that the statement of her son was recorded in the Court. She gave her statement before the police. The police wrote her statement and read over to her to which she finding correct signed thereon in the presence of Mantu Paswan. She identified her signature, which is exhibited as Exhibit No. 1. She identified Mani Yadav present in the Court. In her cross-examination, she stated that she had not gone in the carnival. No incident took place before her. It is stated that Manikant Yadav had abused her, therefore his name has been given by her. It is stated that there are number of persons gone in the carnival. When her son came back, he told that his eyes were blindfolded. He also said that Manikant Yadav, Rohit Yadav and Lalu Yadav had not taken him. It is stated that she has no complaint from accused.

6. Thereafter, despite availing a number of effective adjournments the prosecution could not adduce any evidence and could not produce any witness. Ultimately, vide order dated 23.12.2025, the prosecution evidence was closed.
7. The statement under Section 313 of the CrPC was also recorded on 08.01.2026, wherein the accused admitted having heard the evidence against them, and pleaded themselves as innocent.
8. Learned Additional Public Prosecutor in his oral arguments submitted that the accused are monied and mighty persons and they have won over all the witnesses but it is submitted that the

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

prosecution has successfully proved that the minor was abducted by the accused persons and they sold him to the hotel in Delhi from where the child was recovered. In the last, he prayed for conviction.

9. *In counter, learned counsel for the defense stoutly opposed the arguments of learned public prosecutor and drew attention of the Court on para no. 3 of witness no. 1, wherein he has specifically stated that Lalmohan was not kidnapped and on the basis this case has been filed against Manikant Yadav. Then, attention of the Court is drawn on the cross-examination of witness no. 2, who has specifically stated that Lalmohan and his family members have told him that no one had kidnapped him; the case has been filed by misunderstanding. Attention is also drawn on the testimony of witness no. 3, who outrightly denied having known anything about the incident. Attention is drawn on the cross-examination of witness no. 4 i.e. Sanju Devi, who stated that she was abused by Manikant Yadav, therefore he was named in this case. Further, in para no. 6 in the last line of cross-examination, she has specifically stated that her son told him that he was not kidnapped by Mani Yadav, Rohit Yadav and Lalu Yadav. In this situation, it is prayed that the accused may be acquitted.*

10. *Heard rival submissions and perused the record.*

11. *Conclusion :-*

In the gravamen it has been alleged by the informant that her minor son has been kidnapped by the accused persons. In support

*In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026*

of the case of the prosecution in total four witnesses have been examined. Out of which, the prosecution witness no. 1 and 2 have not deposed anything against the accused rather they deposed in their cross-examination that Lalmohan told them that he had not been kidnapped. The prosecution witness no. 1 in his examination in chief stated that at the time of incident, he was not at home, he was out of village and when he returned back, he had that Lal Mohan etc. had gone to see carnival, from where Lal Mohan did not return. Then when he returned he told the witness that he was not kidnapped.

The prosecution witness no. 2 in examination in chief itself stated that no one had kidnapped him, rather in cross examination he stated that this case has been filed in misunderstanding.

The prosecution witness no. 3 has been declared as hostile as he in his examination-in-chief outrightly denied having known anything about the incident. Now, coming to the prosecution witness no. 4, who is informant of this case and she herself in her cross-examination stated that when her son came back, he told her he was not kidnapped by the accused, therefore nothing remains in this case.

Very surprising, neither any independent witness has been examined nor the I.O. of the case appeared in the witness box.

As a sequel of above discussions, this court has come to the conclusion that the prosecution has utterly failed to prove the guilt of the accused persons, resultantly the above named accused

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 05 of 2017
State Versus Lalu Yadav & Ors.
Date of Judgment : 30.04.2026

persons are acquitted of the charges levelled against them. Since, the accused persons named above are enjoying the privilege of bail, they and their sureties are discharged from the liability of the bail bonds.

Record be consigned to the record room after due compliance.

Dictated, Corrected and Pronounced by :-

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 30.04.2026

This judgment contains ten pages, all are signed by me.

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 30.04.2026

<i>Date of Judgment/ Order</i>	
<i>Date of Reserving Judgment/ Order</i>	
<i>Uploading Date</i>	
<i>Uploaded by</i>	