

In the Court of Satya Bhushan Arya, Sessions Judge, Banka
Session Trial No. 62 of 2016
State Versus Suraj Singh
Date of Judgment : 19.06.2026

FORM A

<i>IN THE COURT OF SESSIONS JUDGE, BANKA</i> <i>Present:- Sri Satya Bhushan Arya, Sessions Judge</i> <i>Date of Judgment:- 19.06.2026</i> <i>Session Trial No. 62 of 2016</i> <i>[Belhar Police Station Case No. 283 of 2015]</i> <i>Crime:- 366(A) of IPC</i>	
<i>Informant</i>	<i>Prahlad Kumar Mishra son of late Jaydeo Mishra, resident of village Vishwakarma Dhourri, P.S. Belhar, District Banka</i>
<i>REPRESENTED BY</i>	<i>Sri Randhir Prasad Singh, A.P.P.</i>
<i>ACCUSED</i>	<i>Suraj Singh son of Dinesh Prasad Singh, resident of village Dhourri, P.S. Belhar, District Banka</i>
<i>REPRESENTED BY</i>	<i>Sri Balbir Kumar Singh, Adv.</i>

FORM B

<i>Date of Offence</i>	<i>07.12.2015</i>
<i>Date of F.I.R.</i>	<i>08.12.2015</i>
<i>Date of Charge-sheet</i>	<i>31.12.2015</i>
<i>Date of Framing of Charges</i>	<i>26.04.2016</i>
<i>Date of commencement of evidence</i>	<i>13.05.2016</i>
<i>Date on which judgment is reserved</i>	<i>Nil</i>
<i>Date of the Judgment</i>	<i>19.06.2026</i>
<i>Date of the Sentencing Order, if any</i>	<i>Nil</i>

Accused Details

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<i>Rank of the Accused</i>	<i>Name of Accused</i>	<i>Date of Arrest</i>	<i>Date of Release on Bail</i>	<i>Offences Charged with</i>	<i>Whether Acquitted or convicted</i>	<i>Sentence Imposed</i>	<i>Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.</i>
<i>1</i>	<i>Suraj Singh</i>			<i>366A of IPC</i>	<i>Acquitted</i>		

FORM C
LIST OF PROSECUTION/DEFENCE/COURT WITNESS
A. Prosecution

<i>RANK</i>	<i>NAME</i>	<i>NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)</i>
<i>PW 1</i>	<i>Pallavi Kumari</i>	<i>Victim</i>
<i>PW 2</i>	<i>Prabhad Kumar Mishra</i>	<i>Informant</i>
<i>PW3</i>	<i>Pinky Devi</i>	<i>Interested witness</i>
<i>PW4</i>	<i>Piyush Kumar Mishra</i>	<i>Interested witness</i>

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>

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<i>DW 1</i>	<i>Nil</i>	
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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>Nil</i>	<i>Nil</i>

B. Defense:

<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>	

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 accused has been brought before this court to face trial upon an FIR lodged under Sections 366(A) of IPC, fulcrum whereof is an application filed by Prahlad Kumar Mishra with the*

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allegations that on 07.12.2015 i.e. Monday, when he woke up in the morning, he saw the lock of his door opened. He asked from his wife upon which he came to know that his elder daughter was not in home. Upon search in the village, her friends also denied having known anything about her. Upon suspicion that his daughter eloped, he saw his phone and saw missed call from mobile no. 777992727. When he called, the cousin brother of Suraj Singh received the call. He told that Suraj Singh has gone to market and a girl is also with him. He suspected that Suraj Singh eloped his daughter. His daughter was having a gold necklace weighing 90 grams, ear-rings, nose pin and Rs. 25,000/- cash.

- 2. On the application, Belhar Police Station Case No. 283 of 2015, under Sections 366A of IPC was lodged and investigation commenced thereon. After completion of investigation, the Investigating Officer submitted final form no. 243 of 2015, dated 31.12.2015, by showing mistake of fact.*
- 3. On 11.02.2016, learned Additional Chief Judicial Magistrate 3rd Banka after going through the materials on record as well as the case diary and charge-sheet took cognizance against accused Suraj Singh under Sections 366(A) of IPC and committed the case to the Court of Sessions on 26.02.2016.*
- 4. On 26.04.2016, charges were framed against accused person under Sections 366(A) of IPC which was read over and*

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explained to the accused in vernacular language, for which he pleaded not guilty and claimed to be tried.

5. *In order to prove its case prosecution examined as much as four witnesses : -*

PW1 *Pallavi Kumari, appeared in the witness box and in her examination-in-chief stated that it is an incident of five years ago, at about 04:00 to 05:00 am. she was at home. Her mother scolded her, therefore she went to Sultanganj and then Deoghar by train. She did not know the train is going to Deoghar. She further stated that the police caught her from Deoghar and brought to Belhar police station. Her statement was recorded upon which she put her signature. She identified her signature, which is exhibited as Exhibit No. 1. At the time of incident, her age was 15 to 16 years. She refused to identify the accused. In her cross-examination, she stated that she is literate and she had voluntarily left her home. Her father filed this case in misunderstanding. She has no complaint with anyone.*

PW2 *Prahlad Kumar Mishra, appeared in the witness box and in his examination-in-chief stated that it is an incident of three years before at about 05:00 to 06:00 am. He was at his home. In the morning, his daughter Pallavi Kumari was not found in the home and the door was opened. He asked from his wife and children and found that his elder daughter was not at home. Then, he asked from the villagers and her friends but they could*

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nothing speak about her. When he checked his mobile phone, he found two missed calls. When he called back, someone told he is cousin brother of Suraj Singh. When he asked that whether there is a girl with Suraj Singh upon which he replied that "May be" and, thereafter, the phone was disconnected. He inquired but the boy was also not at his home. Then, he suspected that he has lured his daughter. Later on, his daughter came back along with jewelry. He stated that the written complaint was filed by him in the police station along with mobile number of the accused. The application was written by Kedar Nath Sharma, which was read over to him and he finding it correct signed thereon. He identified his signature, which is exhibited as Exhibit No. 2. He further refused to identify the accused. In his cross-examination, he stated that his daughter has not named in anyone in the statement. She was not kidnapped by anyone. She had left her home in anger. This fact was cleared after she returned back. He stated that he has not any phone detail. It is stated that on the basis of some doubt, he lodged FIR. He has no complaint against Suraj.

PW3 *Pinky Devi, appeared in the witness box and in her examination-in-chief stated that her daughter's name is Pallavi Kumari. At present, she is 22 years old. She further stated that she does not know the time of incident. She does not know that her daughter had left her home. At present, her daughter is at home. Now, she has applied for B.Ed. She further denied that*

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the accused is present in the Court. She further stated that police had not recorded her statement. In her cross-examination, she stated that this case has been filed on the basis of suspicion. Her daughter was not kidnapped by anyone.

***PW4** Piyush Kumar Mishra, appeared in the witness box and in his examination-in-chief stated that Pallavi Kumari is his nephew. He had heard that she had gone somewhere but he can't say where had she gone or with whom. He stated that he did not know when she left home. The police had not recorded his statement. 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.*

- 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 03.01.2026, the prosecution evidence was closed.*
- 7. The statement under Section 313 of the CrPC was also recorded on 10.02.2026, wherein the accused admitted having heard the evidence against him, and pleaded himself as innocent.*
- 8. Learned Additional Public Prosecutor in his oral arguments submitted that the accused is monied and mighty person and he has won over all the witnesses but it cannot be denied that the victim was abducted. In the last, he prayed for conviction.*

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9. *In counter force, learned counsel for the defense stoutly opposed the submissions and arguments of the prosecution on the ground that the prosecution very hardly could examine four witnesses. The witness no. 1 i.e. the victim herself in her cross-examination stated that she had voluntarily left her house and her father filed the case due to misunderstanding. The witness no. 2 i.e. informant himself stated in para no. 4 that his daughter had not been kidnapped by anyone. The witness no. 3 i.e. the mother of victim stated same as witness no. 2. The witness no. 4 has been declared hostile and the prosecution could not excavate anything fruitful to its case by cross-examining its own witness. In this situation, the accused may be acquitted.*
10. *Heard rival submissions and perused the record.*
11. *Conclusion :-*

It is a case, wherein the informant alleged that his daughter Pallavi Kumari was kidnapped by the accused. In this situation, it was onus upon the prosecution to prove that she was seen going with the accused, or her call details, any other link inter-se the victim girl and the accused. But the informant lodged FIR only on the basis that he talked with alleged cousin of accused, who informed the informant that the accused has gone to market. Upon asking by the informant whether there was any girl with him, he said, "may be". This was the only

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fulcrum of suspicion of the informant. Later on as per prosecution version, the girl returned back.

The prosecution examined PW 1 Pallavi Kumari, the girl herself, who deposed that her mother scolded her, hence she in anger, left her home and went to Deoghar. She was neither kidnapped by anyone nor she has any complaint with the accused.

PW 2 Prahalad Kumar Mishra, the informant appeared in the witness box and he himself also denied his daughter was kidnapped. He believed the story and deposition of PW 1 and said that his daughter returned back with jewelry. She was not kidnapped by anyone and that he had lodged FIR on the basis of suspicion.

PW 3 Pinky Devi – the mother of victim girl appeared in the witness box and she also deposed in unison with that of the other two witnesses and denied any kidnapping of her daughter by anyone much less the accused.

Then PW 4 Piyush Kumar – the uncle of Pallavi Kumari appeared in the witness box, but this witness was got declared hostile by the prosecution.

In the nutshell, the prosecution even did not try to prove its case. Further, neither the girl was undergone for any medical test; no document of any kind to prove any connection inter-se

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girl and the accused has been produced; nor I.O. of the case has been examined.

In this situation, in the opinion of this court the prosecution has utterly failed to prove the guilt of accused, resultantly the accused is acquitted of the charges levelled against him. Since, the accused is enjoying the privilege of bail, he and his sureties are discharged from the liability of bail bonds.

Record be consigned to the record room after due compliance.

Dictated, Corrected and Pronounced by :-

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 19.06.2026

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

Satya Bhushan Arya
Sessions Judge, Banka
Dated- 19.06.2026

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