

**In the Court of Addl. Sessions Judge, Manjhaul (Begusarai)
District-Begusarai (Bihar)**

**[As per Gazettee Notification: Agenda and Corrigenda to Criminal
Court Rules of the High Court of Judicature at Patna (Volume-I) (Third
Edition) C.S. No-98, Published as 5 Agrahayana 1943 (s) Patna, Friday,
26th November, 2021]**

Present: Sanjay Kumar Singh Addl. Sessions Judge, Manjhaul (Begusarai) Date- 10.04.2026 Sessions Trial No-328/2016 [Arising out of Khodawandpur P.S. Case No-20/2011 registered for the offences punishable u/s-363, 366A, 34 of IPC]		
Complainant/ Informant	:	State of Bihar through informant Krishna Kumar Chaurasiya, s/o-Naresh Chaurasiya, r/o-vill-Matihari (Chhaurahi), P.S-Khodawandpur, District-Begusarai
Represented by	:	Shri Rakesh Kumar, Id. A.P.P
Accused	:	1. Amritesh Kumar, aged about-33 yrs, s/o-Bhola Chaurasiya R/o-vill-Barauni 03, Ward No. 01, P.S-Fulwariya, District-Begusarai 2. Pawan Kumar Suman @ Pawan Kr. Chaurasia, aged about-52 yrs, s/o-Triveni Mahto R/o-vill-Matihani, Ward No. 03, P.S-Chhaurahi, District-Begusarai
Represented by	:	Sri Satyanarayan Mahto, Id. Adv.

FORM-B

Date of offence	:	18.02.2011
Date of FIR	:	01.03.2011
Date of Charge-sheet	:	Charge Sheet Sl. No-85/2011 dated 20.05.2011 Supplementary Charge Sheet Sl. No-148/212 dated 29.09.2012
Date of Cognizance	:	28.05.2011
Date of framing of charge	:	09.01.2017
Date of commencement of evidence	:	07.04.2017
Date of statement	:	08.04.2026
Date of Judgement	:	10.04.2026
Date of Sentencing Order, if any	:	N/A

Accused Details

Rank of the accused	A/1 to A/2
Name of the accused	1. Amritesh Kumar

	2. Pawan Kumar Suman
Date of arrest	A/1 – 29.04.2015 A/2 – 29.11.2014
Date of release on bail	A/1 – 29.04.2015 A/2 – 29.11.2014
Offence charged with	u/s- 363/34, 366A/34 of IPC
Whether acquitted or convicted	Acquitted
Sentence imposed	N/A
Period of detention undergone during trial for purpose section 428 Cr.P.C.	N/A

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of evidences [eye witness, police witness, expert witness, medical witness, panch witness and other witness]
PW-1	Ram Dai Devi	Hostile
PW-2	Nunu Prasad Chaudhary	Hostile
PW-3	Rinku Kumari	Witness
PW-4	Krishna Kumar Chaurasiya	Informant
PW-5	Dr. Ram Pravesh Prasad	Doctor
PW-6	Dr. Arun Kumar	Doctor

B. Defence

Rank	Name	Nature of evidences [eye witness, police witness, expert witness, medical witness, panch witness and other witness]

List of Prosecution/Defence/Court Exhibits

A. Prosecution

Sr. No.	Exhibit Number	Description
1.	Ext. 1	Signature of victim on statement of 164 Cr.P.C.
2.	Ext. 2	Medical report of victim by Dr. Ram Pravesh Prasad
3.	Ext. 2/1	Medical report of victim by Dr. Arun Kumar

B. Defence Exhibits

Sr. No.	Exhibit Number	Description
NO DOCUMENT IS EXHIBITED FROM THE SIDE OF DEFENCE		

C. Court Exhibits

Sr. No.	Exhibit Number	Description
NO DOCUMENT IS EXHIBITED AS THE COURT EXHIBITS		

[The case record transferred to this court vide Order No-185(Misc.) dated 27.07.2023 of the Id. District and Sessions Judge, Begusarai and received in this court on 16.09.2023] <u>JUDGMENT</u> 1. Above named two accused persons Amritesh Kumar and Pawan Kumar Suman @ Pawan Kr. Chaurasia are facing trial u/s- 363/34, 366A/34 of IPC. Initially this case was registered against all 04 accused persons however I. O. of the had submitted charge sheet against only 03 accused persons and in the course of trial one accused namely Bindeshwari Sharma is died, hence proceeding dropped against him on 24.11.2025. <u>Prosecution Case</u> 2. The brief case of the prosecution is in written report of one Krishna Kumar Chaurasiya who stated that on 18.02.2011 at about 08.00 pm his own minor sister Chandani Kumari aged about 17 years and his cousin sister Rinki Kumari aged about 13 years had gone to defecate and when they did not return for two hours, he went to look for them. After extensive searching, he discovered that his villager Pawan Chaurasiya, who is involved in the illegal trafficking of girls, had conspired with his nephew (sister's son) Amritesh Kumar @ Chhotu and villager Chandrashekhar Sharma and abducted his abovesaid two sisters. <u>Investigation</u> 3. On the basis of written application dated 01.03.2011 of informant		
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Krishna Kumar Chaurasiya, Khodawandpur P.S. Case No-20/2011, u/s- 363, 366A, 34 of IPC was registered against F.I.R. named accused persons namely Amritesh Kumar, Pawan Kumar Chaurasia, Chandrashekhar Sharma and Bindeshwari Sharma. After investigation, police submitted supplementary charge-sheet u/s- 363, 366A, 34 of the IPC against Amritesh Kumar, Pawan Kumar Chaurasia and Bindeshwari Sharma only. On the basis of charge-sheet, the Ld. C.J.M., Begusarai took cognizance on 28.05.2011 and transferred the case record to the court of Sri R.K. Singh, Ld. S.D.J.M., Manjhaul, Begusarai for commitment. Thereafter the Ld. S.D.J.M. committed the case to the Court of Sessions for trial.

Charge

4. On 09.01.2017 the charge was framed against the above-named accused persons. The charges were read over and explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.

Statement of Accused

5. The statement of accused persons have been recorded on 08.04.2026 and the defence of the accused is that they have not committed any offence and they have falsely been implicated in this case.

Point for determination

6. Now the point for determination before me is whether the prosecution has been able to prove the charge levelled u/s- 363/34, 366A/34 of IPC against the accused persons beyond the shadow of all reasonable doubts or not?

Findings

7. Prosecution has altogether examined six witnesses to substantiate its case i.e. PW-1-Ram Dai Devi, PW-2-Nunu Prasad Chaudhary, PW-3-Rinku Kumari, PW-4-Krishna Kumar Chaurasiya, PW-5-Dr.

Ram Pravesh Prasad and PW-6-Dr. Arun Kumar.

Apart from the above prosecution has proved the following documents in support of its case which has been exhibited as follows-

Ext.- 1 - Signature of victim on statement of 164 Cr.P.C.

Ext.- 2 - Medical report of victim by Dr. Ram Pravesh Prasad

Ext.- 2/1- Medical report of victim by Dr. Arun Kumar

No other oral or documentary evidence has been adduced on behalf of the prosecution. The defence has also not adduced any evidence on its behalf.

8. Now, I shall discuss all the evidences available on the record, in the light of charge levelled against the accused persons.

9. I would like to discuss the evidence of informant who has examined as **PW-4**, who stated that the occurrence took place on 18.02.2011 at 08.00 pm, at that time, he was sitting in his house. In the meanwhile, his younger sister Chandani Kumari aged about 17 years and his cousin sister Rinku Kumari aged about 13 years had gone out of the house together for defecation and did not return for two hours. Then, he went to search them and despite extensive searching they could not recovered. On 20.02.2011 he lodged a Sanha in Khodawandpur police station. Later, he came to know that his villager Pawan Chaurasiya who is always involved in illegal trade of prostituting girls, had conspired with his nephew Amitesh @ Chhotu, Bindeswari and Chandrashekhar and kidnapped the abovesaid girls. He further stated that he instituted a case in police station upon which he put his signature. He identified the accused Chhotu present in the court and accused Pawan Chaurasiya and Bindeshwari Chaurasiya are not present in the court, he identified them also. But in his cross-examination the witness stated that he did not see what was written in the application, for the case, which he filed, he only signed on it. His sister was more than 18 years old at the time of her marriage. He later came to know that no kidnapping had taken place rather both the sisters had gone to their aunt Rinku Kumari house, who lives in Delhi. This case was registered due to misunderstanding.

10. PW- 1 and PW-2 have been declared hostile by prosecution as they have not supported the case of prosecution.

11. PW-3 Rinku Kumari stated in her chief examination that on 16.06.2011, her statement was recorded before magistrate under section 164 Cr.P.C. upon which she put her signature, which she identified and marked as Ext.-1. She further stated that she stated before police on 11.08.2011 that she got married with Chhotu Kumar, nephew of Pawan Kumar Chaurasiya on 11.08.2011 on Sawan Purnima with Hindu rites and customs. Now she is residing at her matrimonial house with her husband Amritesh @ Chhotu, her marriage was solemnized with the consent of uncle(Mausa) and cousin brother and she was 17 to 18 years old at that time. Now she has two children aged about 5 years and 3 years old from wedlock with Amritesh. But in her cross-examination, she stated that on the day of occurrence, she had gone to her aunt(Mausi) house. No one kidnapped her, she has never any complaint against Amritesh.

12. PW-5 Dr. Ram Pravesh Prasad stated in his chief examination that on 16.06.2011, he was posted as Medical Officer in Sadar Hospital, Begusarai. He was one of the members of medical board constituted by superintendent Sadar Hospital, Begusarai. At that time, he examined Rinku Kumari and found following dental details :-

7654321/1234567

7654321/1234567

On the basis of dental details and radiological finding medical board is of opinion that the age of Rinki Kumari lies in between 15 to 17 years. He identified and marked the medical report as Ext.-2. In his cross-examination, the witness stated that he personally examined the victim and found total 28 teeth. He further stated that at the age of 12 years 28th tooth appears and at the age of 18 years 29th tooth erupts.

13. PW-6 Dr. Arun Kumar also stated in his chief examination that on 16.06.2011, he was posted as Medical Officer in Sadar Hospital, Begusarai. He was one of the members of medical board constituted by

superintendent Sadar Hospital, Begusarai. On that day, he examined Rinku Kumari and the X-Ray of Rinku Kumari was done by Sadar Hospital on 16.06.2011. 1st X-Ray right wrist A.P. view finding epiphysis of the lower end of radius in ulna partially fused. 2nd X-Ray right knee A.P. view finding epiphysis of the lower end of femur and upper end of tibia and fibula fused. 3rd X-Ray pelvis A.P. view finding epiphysis of the iliac crest partially formed not fused. 4th X-Ray mandible left and right lateral oblique view last molar tooth formed not erupted on the both side of mandible. Hence on the basis of above radiological and dental findings he stated that the age of Rinki Kumari lies between 15 to 17 years. He identified and marked this part of medical report as Ext.-2/1. In his cross-examination, the witness stated that he prepared his report on the basis of X-Ray report of victim.

14. After hearing the argument laid down on behalf of both the parties and from perusal of evidence available on record it appears that the prosecution has produced and examined altogether six witnesses in the case out of which PW-1&2 have been declared hostile, PW-3 victim, PW-4 is informant of the case and PW-5&6 are doctors, who are not present at the place of occurrence but they have done examination/treatment of the victim. The evidence of PW-5&6 is to be considered only for the purpose of corroboration and contradiction of the story in the FIR and statement of other witnesses. The deposition of PW-5&6 shows that the victim was 15 to 17 years old at the time of incident. Let's see the deposition of PW-4 who has supported the case of prosecution in his chief examination but stated in his cross examination that no one kidnapped his both sisters, both of them had gone to their aunt Rinku Kumari who lives in Delhi. His sister was more than 18 years old at the time of her marriage. He did not see what was written in the application, for the case, which he filed, he only signed on it. This case was registered due to misunderstanding. PW-3 she is victim of the case has deposed that no one kidnapped her, at the time of incident she had gone to her aunt house. As such the evidence tendered by the witnesses is neither cogent nor reliable and also not in tune with probabilities of the occurrence. Thus, on the basis of material, neither the occurrence as stated is proved nor the offence has been proved by the prosecution beyond doubts.

15. So after carefully perusal of the case record, considering the material available on the record and in view of facts and circumstances of the case I am of the opinion that the prosecution has not been able to establish the alleged charges against the accused persons beyond all reasonable doubts. Accordingly, the above-named accused persons facing trial in this case are hereby acquitted for the charge punishable u/s- 363/34, 366A/34 of IPC. Since the accused persons are already on bail, hence their bailors are also discharged from the liability of their respective bail bonds. O.C. is directed to recall all the process issued, if any.

Pronounced in Open Court by me

(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-10.04.2026

Dictated and corrected

(Sanjay Kumar Singh)
Addl. Sessions Judge,
Manjhaul, Begusarai
Dated-10.04.2026

Date of Judgment / Order	10.04.2026
Date of Reserving Judgment / Order	10.04.2026
Uploading Date	13.04.2026
Uploaded by	Md. Zeeshan Ali Ahmad