

IN THE COURT OF RAJ NARAYAN NIGAM, DISTRICT & ADDL. SESSIONS JUDGE-I
BHAGALPUR.

ST No 483 of 2008

T.R. No. 142/2019

(Arising out of Kahalgaon P.S. Case No. 291/1994)

In the matter of:-

State of Bihar

----- Prosecution

Versus

Shekh Jansar, aged about 65 yrs, S/o- Late Habbo,

All R/o- Village-Meharpur, P.S.-Pirpanti, District-Bhagalpur.

----- Accused Person

Appearance:

Sri Shree Kishore Yadav, Ld. A.P.P - For the prosecution.

Sri. Binay Mishra, Ld. Adv. - For the Defence

Present: Raj Narayan Nigam,
1st Distt & Addl. Sessions Judge,
Bhagalpur.

Judgment passed on : 14-05-2026

J U D G M E N T

1. The accused person namely **Shekh Jansar** stands charged for having committed offence punishable U/s 366, 376/34 of the IPC. The charges were read over and explained the same to the accused person in hindi version to which he pleaded not guilty and claimed to be tried.

2. The prosecution case, as per fardbayan of informant Sudama Devi is that on 16-10-1994 while she was going along with her neice Nilam Devi and one Jugesh Jaiswal was returning, when they came near Devipur Mouza a car came there and stopped and three persons namely Seikh Bullu, Seikh Murshid, Seikh Alam and Seikh Jansar from the car came near them and one of them remained in the car. Seikh Bullu and Seikh Murshid caught the hands of Nilam Devi and made her to sit in the car and went towards Kahalgaon.

3. The Kahalgaon P.S. Case No. 291/1994 registered U/s 366, 494, 376/34 IPC on the basis of the written application of the informant Sudama Devi, the IO of this case after investigation submitted supplementary charge-sheet U/s 366, 498, 376/34 IPC against Seikh Jansar and on the basis of the charge-sheet, Sri A.K Srivastava, Ld. CJM, Bhagalpur has taken cognizance against the accused person and committed to the Court of Sessions, Bhagalpur on dated 29-04-2008 and received to this court by the order of Ld. District and Sessions Judge, Bhagalpur on on dated 12-04-2019 for trial and disposal.

4. Despite of exhausting all the processes for appearance of witnesses, prosecution has failed to produce even a single witness and lastly prosecution evidence was closed on 04-05-2026.

5. The statements of the accused person under Section 313 of the Cr.P.C. has been taken on 14-05-2026 in which he pleaded not guilty and committed no offence and praying for total denial of prosecution case.



6. Now, it has to be considered whether the prosecution has been able to prove his case against the accused person beyond all reasonable doubts?

FINDINGS

7. From the perusal of record it appears Bailable warrant was issued against all the witnesses on 28-11-2016, Non-bailable warrant was issued against all the witnesses on 30-08-2022, fresh Bailable warrant was again issued against all the witnesses on 30-08-2022 and on 02-08-2025 record was seen to Ld. Addl P.P and last chance was given to prosecution to procure the witnesses on 15-04-2026. Despite of exhausting all the processes for appearance of witnesses, prosecution has failed to produce even a single witness. In the complete absence of any evidence by the prosecution, it appears that the informant and prosecution has lost interest in this case and the prosecution have utterly failed to prove its case.

ORDER

8. The accused person namely **Shekh Jansar** has been acquitted from the charges U/s 366, 376/34 of the IPC leveled upon him on the basis of **"absence of any evidence"**. As the accused person is on bail, he and his sureties are discharged from all the liabilities of their respective bail bonds. The office is also directed to deposit the record in the D.R.R. Bhagalpur.

9. Judgment is delivered in the open court under my signature and seal on this 14th May, 2026 at Bhagalpur.

Dictated and corrected.

(Raj Narayan Nigam)
Additional Sessions Judge-I
Bhagalpur,
Dated : 14.05.2026

Dictated

(Raj Narayan Nigam)
Additional Sessions Judge-I
Bhagalpur,
Dated : 14.05.2026

Date of Judgment / Order	14.05.2026
Date of Reserving Judgment / Order	14.05.2026
Uploading Date	16.05.2026
Uploaded by	Ram Kumar Das o/c

