

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

ST No 317 of 2025

T.R. No. 22/2025

(Arising out of Kahalgaon P.S. Case No. 498/2021 registered U/s 376 IPC.)

In the matter of:-

State of Bihar

----- Prosecution

Versus

1. Md. Faiyaz, aged about 45 yrs, S/o- Md. Iliyas Khan,
 2. Md. Rakib Rayeen, aged about 46 yrs, S/o- Md. Israfil Rayeen,
 3. Abedin Ray, aged about 44 yrs, S/o- Md. Gajjo,
 4. Pappu Ray, aged about 48 yrs, S/o- Md. Gajjo,
- All R/o- Village-Kishandaspur, P.S.-Kahalgaon, District-Bhagalpur.

----- Accused persons

Appearance:

Sri A K Yadav, Ld. A.P.P.

- For the prosecution.

Sri Ajeet Kumar Pandey, Ld. Adv.

- For the Defence

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

Judgment passed on : 19-06-2026

J U D G M E N T

1. The accused person namely **Md. Faiyaz** stands charged for having committed offence punishable U/s 376, 323, 341 and 506 IPC and rest accused persons namely **Md. Rakib Rayeen, Abedin Rai and Pappu Rai** stands charged for having committed offence punishable U/s 366A R/w 34 IPC. The charges were read over and explained the same to the accused persons in hindi version to which they pleaded not guilty and claimed to be tried.

2. The prosecution case, as written application of informant-cum-victim WK(name of the victim is withheld to protect her identity) is that about two years ago, Md. Faiyaz Khan used to frequently visit her home and on false promise of marriage, he trapped her in his love web. About one and a half years ago, he lured her away from village under the pretext of getting married in Kahalgaon, and since then, they started living in a rented house in Kahalgaon and during this time victim was subjected to sexual exploitation and harassment by Md. Faiyaz Khan for multiple times. Meanwhile, he stopped visiting her at the said rented house and also stopped providing financial support for expenses. On 01/08/2021 at around 06:30 PM, she went to Md. Faiyaz Khan's house and told him that she was five months pregnant but he denied to marry her and keep her along with him. Hence, the instant FIR.

3. The Kahalgaon P.S. Case No. 498/2021 was registered U/s 376 IPC on the basis of the written application of the informant-cum-victim against accused person namely Md. Faiyaz Khan and the IO of this case after investigation submitted charge-sheet U/s 376/34 IPC against the accused persons namely Md. Faiyaz Khan, Md. Rakib Rayeen, Abedin Rai and Pappu Rai and on the basis of the charge-sheet, Ld. CJM,



Bhagalpur has taken cognizance against the accused persons named in column 11 of charge-sheet on 20-12-2022, U/s 376/34 IPC. Thereafter, this case was committed by Court of Ms. Saloni Kumari, Ld. JM-1st Class, Bhagalpur to the Court of Sessions, Bhagalpur on dated 05-04-2025 and received to this court by the order of Ld. District and Sessions Judge, Bhagalpur on dated 16-04-2025 for trial and disposal.

4. The prosecution has produced and examined altogether four witnesses namely PW1- WK (name of the witness is withheld to protect her identity), PW2- Md. Israiel Rayeen, PW-3 Md. Sakur Rayeen and PW-4 Md. Fakruddin. Prosecution evidence was closed on 26-05-2026.

5. On behalf of defence no any oral as well as documentary evidence has been adduced.

6. The statements of the accused persons under Section 313 of the Cr.P.C. has been taken on 06-06-2026 in which they pleaded not guilty and committed no offence and praying for total denial of prosecution case and have falsely been implicated in this case.

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

FINDINGS

8. The prosecution has produced and examined altogether four witnesses namely PW1- WK (name of the witness is withheld to protect her identity) victim, PW2- Md. Israiel Rayeen, PW-3 Md. Sakur Rayeen and PW-4 Md. Fakruddin.

On behalf of the prosecution following documentary evidence has been adduced on the record:-

(i) Exhibit P-1/ PW-1 written application.

(ii) Exhibit P-2/ PW-2 Statement of victim on her statement U/s 164 CrPC.

9. It is evident that during the trial on behalf of the defence no any oral as well as documentary evidence has been adduced on the record.

10. **PW-2, PW-3 and PW-4** namely Md. Israiel Rayeen, Md. Sakur Rayeen and Md. Fakruddin have been declared hostile by the prosecution and prosecution.

11. **PW1- WK (name of the witness is withheld to protect her identity), who is informant-cum-victim of this case** stated in her examination-in-chief that the incident took place in the year 2021 but she did not remember the specific date and month. The incident occurred around 6 O'clock in the evening. She used to live with Md. Faiyaz Khan, in a rented house and he also said that he would marry her and there used to be constant disputes between them regarding this matter. When the accused Md. Faiyaz did not marry her, she lodged this case. After she had a child, Faiyaz performed *Nikah* with her in the year 2023. She do not remember the day and date of the *Nikah*. At the time of occurrence she was major and at present she is living along with him. Other accused persons had assisted Md. Faiyaz in making her go away from home, therefore she also took names of other accused persons in her statement recorded under Section 164 CrPC. The typed application given at the police station was typed by the police according to her statement and after it was read out to her, finding it to be correct, she put her signature on it, which she identifies and the entire application is marked as Exhibit-P-1/PW-1. The police had taken her statement under Section 161 of the Cr.P.C. Her statement under Section 164 of the Cr.P.C was also recorded before a Magistrate and she



signed on it, which she identifies and the same is marked as Exhibit-P-2/PW-1. Her medical examination was also conducted. She recognizes all the accused persons present in the court.

In his cross-examination she stated that she has been living happily with Md. Faiyaz, and their *Nikah* took place with the mutual consent of both of them. She filed this case against Md. Faiyaz and other accused persons only because Md. Faiyaz was constantly refusing to marry her and there was no other specific reason. Her *Nikah* took place with the consent of the families of both sides, and now she has no grievances or complaints against Md. Faiyaz and the other accused persons. Md. Faiyaz did not used to beat her and she filed the case regarding assault, abuse, threatening, and kidnapping solely for the purpose of getting married. At present she has been living happily with Md. Faiyaz. Before she filed this case, she was living with Md. Faiyaz but he did not establish any forceful physical relations with her nor did he beat her. After the case was filed, when Faiyaz agreed for marriage, physical relations were established between them with mutual consent. She gave her statement under Section 164 of the Cr.P.C due to the instigation and pressure of the villagers and family members which was my mistake.

12. Heard both parties and perused the entire evidence led by prosecution for proving his case and on analysis I found that **PW-2** Md. Israil Rayeen, **PW-3** Md. Sakur Rayeen and **PW-4** Md. Fakruddin have been declared hostile by the prosecution and prosecution failed to bring any important material from these witnesses.

PW-1 who is informant-cum-victim of this case has supported the case in her examination-in-chief but during cross-examination she gave contradictory statement. In her examination-in-chief she stated that the incident took place since from the year 2021 but she did not remember the specific date and month. She used to live with Md. Faiyaz Khan, in a rented house and there used to be constant disputes between them regarding marriage. When the Faiyaz did not marry her, she lodged this case. Other accused persons had assisted Md. Faiyaz in making her go away from home, therefore she also took names of other accused persons in her statement recorded under Section 164 CrPC. In her cross-examination she stated that she have been living happily with Md. Faiyaz, and their *Nikah* took place with the mutual consent of both of them. She lodged this case because Md. Faiyaz refused to marry her and there was no other specific reason. Her *Nikah* took place with the consent of the families of both sides, and now she has no grievances or complaints against Md. Faiyaz and the other accused persons. Md. Faiyaz did not used to beat her and she filed the case regarding assault, abuse, threatening, and kidnapping solely for the purpose of getting married. Md. Faiyaz but he did not establish any forceful physical relations with her nor did he beat her. After the case was filed, when Faiyaz agreed for marriage, physical relations were established between them with mutual consent. She gave her statement under Section 164 of the Cr.P.C due to the instigation and pressure of the villagers and family members which was my mistake. Statement of PW-1 is contradictory so the evidence of victim is not reliable and relevant. Further IO and doctor have also not been examined in this case. Thus, the court has reached to the conclusion that the case of the prosecution becomes doubtful and the prosecution has been unable to prove its case beyond reasonable doubt, accordingly order is passed.



ORDER

13. The accused person namely **Md. Faiyaz** has been acquitted from the charges U/s 376, 323, 341 and 506 IPC and **Md. Rakib Rayeen, Abedin Rai and Pappu Rai** have been acquitted from the charges U/s 366A R/w 34 of IPC levelled upon them on the basis of “**benefit of doubt**”. As the accused persons are on bail, they and their 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.

14. Judgment is delivered in the open court under my signature and seal on this 19th June, 2026 at Bhagalpur.



Dictated and corrected.

(Raj Narayan Nigam)
Additional Sessions Judge-I
Bhagalpur,
Dated : 19.06.2026

Dictated

(Raj Narayan Nigam)
Additional Sessions Judge-I
Bhagalpur,
Dated : 19.06.2026



Date of Judgment / Order	19.06.2026
Date of Reserving Judgment / Order	11.06.2026
Uploading Date	19.06.2026
Uploaded by	Smt. Neelam Kumari D.E.O