

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

ST No 1059 of 2025

T.R. No. 69/2025

(Arising out of Kahalgaon P.S. Case No. 336/2017 registered U/s 363, 366A/34 IPC.)

In the matter of:-

State of Bihar

----- Prosecution

Versus

1. Pushpa Rani, aged about 40 yrs, W/o- Uttam Choudhary,
 2. Amar Pratap Choudhary, aged about 28 yrs, S/o- Uttam Choudhary,
 3. Santosh Kumar, aged about 38 yrs, S/o- Sugriv Mandal,
- R/o- Village-Sobhanpur, P.S.-Amarpur, District-Banka.

----- Accused Persons

Appearance:

Sri Vijay Kumar Singh, Ld. A.P.P.

- For the prosecution.

Sri. Nawal Kr. Gupta, Ld. Adv.

- For the Defence

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

Judgment passed on : 04-06-2026

JUDGMENT

1. The accused persons namely **Pushpa Rani, Amar Pratap Choudhary and Santosh Kumar** stands charged for having committed offence punishable U/s 366A R/w 34 and 363 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 Laxman Choudhary, in brief, is that on 25-05-2017, at approximately 2:00 PM in the afternoon her daughter RK was abducted by one Rajiv Kumar Choudhary, with the intention of marriage along with the assistance and cooperation of Pushpa Rani, Manikant Choudhary, Amarpratap Choudhary and Santosh Choudhary. The above named accused persons have also threatened for dire consequences if any case is being lodged.

3. The Kahalgaon P.S. Case No. 336/2017 was registered U/s 363, 366A/34 IPC on the basis of the written application of the informant Laxman Choudhary against accused persons namely Rajiv Kumar, Pushpa Rani, Manikant Choudhary, Amarpratap Choudhary and Santosh Choudhary and the IO of this case after investigation submitted charge-sheet U/s 363, 366A/34 IPC against above named accused persons 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 20-02-2019, U/s 363, 366A/34 IPC. Accused persons Rajiv Kumar and Manikant Choudhary was minor on the date of occurrence, hence their case was split up and sent to Juvenile Court for assessment of their age. Thereafter, this case was committed by Court of Ms. Neha, Ld. JM-1st Class, Bhagalpur to the Court of Sessions, Bhagalpur on dated 28-11-2025 and received to this court by the order of Ld. District and Sessions Judge, Bhagalpur on dated 15-12-



2025 for trial and disposal.

4. The prosecution has produced and examined only two witnesses namely PW1- Laxman Choudhary and PW2- RK(name of the witness is withheld to protect her identity). Prosecution evidence was closed on 20-05-2026.

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 04-06-2026 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 2 witnesses namely- PW1- Laxman Choudhary (father of victim) and PW2- RK victim herself (name of the witness is withheld to protect her identity).

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

(i)Exhibit P-1/ PW-1 Signature of informant on written application.

(ii)Exhibit P-2/ PW-2 Signature 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. **PW1- Laxman Choudhary, who is informant of this case and father of victim** stated in his examination-in-chief that incident took place in year 2017 and her daughter/victim had gone to her maternal grandmother's house and no one had abducted her. He further stated that his brother and nephew has together made him lodge this case. He gave the written application after getting it written and the same was read before him and thereafter he signed on it. He identifies his signature on the written application, and the same is marked as Exhibit P-1/PW-1. He got written in the application that Rajiv Kumar had abducted her daughter and had also threatened them and because of this his entire family was in terror. He identified the accused persons present in the court.

In his cross-examination he stated that her daughter/victim had gone to her maternal grandmother's house and no one had abducted her. The written application was written by the village people and he only signed on it and no one had read out the application to him. He further stated that names of Amar Pratap Chaudhary, Pushpa Rani, Manikant Chaudhary and Santosh Chaudhary was given by mistake, on the saying of village people and they are not at fault. Her daughter had gone to Deoghar on her own accord for worshipping and later on they found that she got married to Rajiv Chaudhary and lives with him. He further stated that he have no any problem with this marriage. All the persons in this case are innocent and he has no problem with anyone.

11. **PW2- RK, who is victim of this case** stated her examination-in-chief that the incident took place on 26.06.2017. She left her home without informing anyone for worshipping. She was ready to marry Rajiv but her father was not ready for marriage.



She took Rajiv along with her to Deoghar and got married with him and thereafter she started living at his house. Police took her statement. Her statement was also recorded before the Magistrate. She identified her signature on statement recorded U/s 164 CrPC and the same is marked as Exhibit P-2 / PW-2. She identifies the accused persons present in the court.

In her cross-examination she stated that her father lodged this case because she had left home without informing anyone. She went to Deoghar for worshipping and did not met Rajiv Kumar in Deoghar. She left home without informing anyone because her father wanted to arrange her marriage elsewhere. She had told her father that she loves Rajiv Kumar and wants to marry him. Thereafter, after few days her marriage was solemnized with Rajiv Kumar with mutual consent and now both of us have been living happily as husband and wife. No one had abducted her and she is giving her statement voluntarily without any pressure. She also visits her *maykaa* and cordial relation is established between both the families.

12. Heard both parties and perused the entire evidence led by prosecution for proving his case and on analysis I found that PW-1 who is informant of this case and father of victim has stated during examination-in-chief that her daughter/victim had gone to her maternal grandmother's house and no one had abducted her. He further stated that his brother and nephew has together made him lodge this case. Later on, he stated that he got written in the application that Rajiv Kumar had abducted her daughter and had also threatened them and because of this his entire family was in terror. During cross-examination he stated that her daughter went to her maternal grandmother's house and no one had abducted her. He further stated that the written application was written by the village people and he only signed on it and no one had read out the application to him. He further stated that names of Amar Pratap Chaudhary, Pushpa Rani, Manikant Chaudhary and Santosh Chaudhary was given by mistake and on the saying of village people and they are not at fault. Her daughter had gone to Deoghar on her own accord for worshipping and later on he found that she got married to Rajiv Chaudhary and lives with him. He further stated that he have no any problem with this marriage. All the persons in this case are innocent and he has no problem with anyone. PW-2 who is victim of this case has neither supported the case in her examination-in-chief nor during cross-examination. In her examination-in-chief she stated that she left her home without informing anyone for worshipping and she was ready to marry Rajiv but her father was not ready for marriage. She took Rajiv along with her to Deoghar and got married with him and thereafter she started living at his house. During cross-examination she stated that her father has lodged this case because she had left home without informing anyone because her father wanted to arrange her marriage elsewhere and she loved Rajiv Kumar and wanted to marry him. She also stated that she went to Deoghar for worshipping and did not met Rajiv Kumar in Deoghar and no one had abducted her. Thereafter, after few days her marriage was solemnized with Rajiv Kumar with mutual consent and now both of them have been living happily as husband and wife and cordial relation is established between both the families. From statement of victim recorded U/s 164 CrPC her age has been assessed as 19 years. Statement of PW-1 is contradictory so the evidence of victim is not reliable and relevant. PW-2 victim neither supported the case in her examination-in-chief nor during cross-examination. None of the witness stated that the victim was abducted by anyone. Thus, the court has reached to the conclusion that 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 persons namely **Pushpa Rani, Amar Pratap Choudhary and Santosh Kumar** have been acquitted from the charges U/s 366A R/w 34 and 363 R/w 34 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 4th June, 2026 at Bhagalpur.

Dictated and corrected.

(Raj Narayan Nigam)
Additional Sessions Judge-I
Bhagalpur,
Dated : 04.06.2026

Dictated

(Raj Narayan Nigam)
Additional Sessions Judge-I
Bhagalpur,
Dated : 04.06.2026

Date of Judgment / Order	04.06.2026.
Date of Reserving Judgment / Order	04.06.2026
Uploading Date	08.06.2026
Uploaded by	Smt. Neelam Kumari D.E.O.

