

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IVth
Civil Court, Bhojpur (Ara), Bihar. 802301.
Session Trial Case No. 264 of 2024
Arising out of Udwantnagar P.S. Case No. 189 of 2021

1. State of Bihar

..... **Prosecution**

Versus

1. Bablu Ansari @ Nazir Hussain, S/o Akhtar Ansari

{Resident of Village: Piyaniya, P.S. Udwantnagar, District- Bhojpur}

..... **Accused Person.**

Name of Police Station: Udwantnagar
 First Information Report No. – 189 of 2021
 FIR Under Sections: 363, 366(A)/34 of I.P.C.
 Cognizance Under Sections:- 363, 366(A)/34 of I.P.C.
 Committed on: 19.04.2024
 District:- Bhojpur
 Charges framed under Sections:- 366(A)/34, 363/34 of I.P.C.

Learned Counsel for the State : Sri Ram Prasad Ram, Learned A.P.P.

Learned Counsel for the Accused person : Sri Sunil Kumar Singh Advocate.

Date of Judgement:- 16th of March, 2026

Present: Manoranjan Kumar Jha,
 Additional Sessions Judge - IVth,
 Bhojpur at Ara.

J U D G M E N T

1. In the present Session Trial, arising out of Udwantnagar P.S. Case No. 189 of 2021, the aforementioned accused namely, **Bablu Ansari @ Nazir Hussain** is charged punishable under sections 366(A)/34, 363/34 of I.P.C.
2. The prosecution case, in brief, as per the fard-bayan of the informant Bhagirath Singh is that on 19.04.2021 at around 10:00 AM, his daughter was missing. Further, the accused with other co-accused helped the girl for escaping and hiding.
3. On the basis of the fard-bayan of the informant-Bhagirath Singh, the Police registered F.I.R. bearing number Udwantnagar P.S. Case No. 189 of 2021 against the above named accused.
4. After investigation the police submitted the charge-sheet against the above named accused namely, **Bablu Ansari @ Nazir Hussain** and after that Ld. Lower Court, Ara took cognizance against above named accused under sections 363, 366(A)/34 I.P.C. After cognizance, the case of accused committed to the Court of Sessions vide order dated 19.04.2024 and during course, instant sessions case was transferred to this court for trial and disposal.
5. On 12.08.2024, the charge has been framed against the above named accused **Bablu Ansari @ Nazir Hussain** punishable under sections 366A/34, 363/34 of

I.P.C. The court explained accusations to the accused to which he denied the charges and claimed trial. Hence, the case was put to trial and file was put up for prosecution evidence.

6. The accused was put on trial. Upon framing charge, the file was posted for recording prosecution evidence, oral as well as documentary. From bare perusal of case record as well as charge-sheet, it transpires that the prosecution has examined altogether **three** witnesses.
7. After closure of prosecution evidence, the statement of accused namely, **Bablu Ansari @ Nazir Hussain** was recorded under Section 313 of Cr.P.C. on 09.03.2026 to which he denied and claimed his innocence. Thereafter, the record was fixed for defence evidence but no defence evidence was produced on behalf of the accused.

Point for determination

- (1) Whether the accused persons are guilty of the offence u/s 366(A)/34, 363/34 of I.P.C.?

Evidence

8. In support of its case the prosecution has examined as many as 03 witnesses namely PW-01 Haribhushan Singh, PW-02 Bhagirath Yadav, and PW-03 Sanju Devi.
9. **PW- 02 is Bhagirath Yadav (Informant)** who has deposed that the occurrence took place 02-03 years ago when the brother of Bablu had eloped his daughter namely Shraddha aged about 16-17 years old. The witness further stated that his daughter returned to home after six months and of the alleged fact, he had filed a case. The witness identified his signature on the written application given before P.S. which marked as **Exhibit-01**.

In his cross-examinations, the witness deposed that though the girl returned to home but till today she lives with Bablu's brother. The witness further specifically stated that there is no role of accused Bablu in eloping of his daughter and he has compromised the case with the accused and has no objection, if the case is closed.

PW- 01 Haribhushan Singh, PW- 03 Sanju Devi have not supported the case of the prosecution and upon prayer, the witnesses declared hostile.

Analysis of Evidence

10. **Learned counsel for the accused** submits that this is a case of virtually no evidence against the accused person in as much as none of the witnesses have supported the case of the prosecution. Further transpires that the informant has voluntarily compromised the case with the accused person. Further submitted that the informant had specifically stated that there is no role of accused Bablu in eloping of his daughter Shraddha. Further submitted that

- neither victim has been examined nor I.O. had been examined on behalf of the prosecution and as such neither the case was proved before the court nor the F.I.R. was proved. Therefore, it is submitted that the prosecution has failed to establish its case beyond any shadow of doubt.
11. Ld. P. P. for the state submitted that though the witnesses have not supported the case but there is ample evidence on record which establishes that the accused had committed the offence.
 12. The court has gone through the record. In support of its case, the prosecution has examined 03 witnesses. It reflects that PW-02 is the informant of this case who specifically admitted that there is no role of the accused in eloping of his daughter. Further the rest witnesses i.e. PW-01, and 03 have not supported the case of the prosecution and were declared hostile upon the prayer of the prosecution. Further perusal of the record, it transpires that the prosecution failed to examine I.O. so as to establish and to prove the content of F.I.R./fard-bayan. Therefore, the prosecution completely fail to bring any supportive evidence in respect of their case.
 13. Considering the evidence in its entirety and bearing in mind the principles that the prosecution is duty bound to establish its case by way of oral and documentary evidence and in the case in hand where the prosecution has failed to brought on record any credible piece of evidence and as such and in absence of any reliable/corroborative evidence, the court is of the opinion that the prosecution has miserably failed to establish the case beyond shadow of any doubt.
 14. Consequently, the prosecution has, therefore, failed to prove the charges against accused persons namely, **Bablu Ansari @ Nazir Hussain** beyond reasonable doubt.

ORDER

In view of the above, this court is of the opinion that the prosecution has failed to establish the offences u/s 366(A)/34, 363/34 of I.P.C. against the accused namely, Bablu Ansari @ Nazir Hussain. Accordingly, the accused is acquitted from the charges labeled against him and set at liberty forthwith.

A copy of this judgment be sent to District Magistrate, Bhojpur.

A free copy of the judgment be furnished.

Given under the hand and seal of this Court.

This judgment has been corrected, signed and pronounced by me on 16th of March, 2026 in open court.

Dictated

**(Sri Manoranjan Kumar Jha)
Addl.Sessions judge-IVth
Bhojpur at Ara.
Dated- 16th of March, 2026**

**(Sri Manoranjan Kumar Jha)
Addl.Sessions judge-IVth
Bhojpur at Ara.
Dated- 16th of March, 2026**

Appendix
Witnesses Examined

On behalf of Prosecution	
PW-01	Haribhushan Singh
PW-02	Bhagirath Yadav (Informant)
PW-03	Sanju Devi

On behalf of Defence	
Nil	Nil

Document exhibited

On behalf of prosecution	
Exhibit-1	Signature of P.W.-02 on written application

On behalf of Defence	
Nil	Nil