

**Present:- Sri Santosh Kumar Pandey,**  
**District & Additional Sessions Judge-I, Darbhanga**  
**Sessions Trial No. 530 of 2013.**  
**Registration No. 3366 of 2014.**  
**(Arising out of Town P.S. Case No. 102 of 2009)**

<b>IN THE COURT OF DISTRICT &amp; ADDITIONAL SESSIONS JUDGE-1 DARBHANGA</b>	
<b>Present:- Santosh Kumar Pandey, District &amp; Additional Sessions Judge-1</b>	
<b>Date of Judgment:- 17.03.2026</b>	
<b><u>ST No.- 530 of 2013.</u></b>	
<b><u>Registration No. 3366 of 2014</u></b>	
<b>Case No.:- Town PS Case No.- 102 of 2009</b>	
<b>REPRESENTED BY</b>	Sri Lalan Kumar., Ld. A. P.P.
<b>ACCUSED</b>	Narendra Kumar, Aged about 47 years, S/o Shri Sahendra Singh, R/o Village- Vasudevpur Chandel P.S.- Mahnar, District- Vaishali
<b>REPRESENTED BY</b>	Sri Ashok Kumar Singh, Learned Advocate

Date of Offence	23.04.2009
Date of FIR	05.07.2009
Date of Charge-sheet	CS No.-134 of 2012, Dated- 05.07.2009
Date of Framing of Charges	02.08.2019
Date of Commencement of evidence	16.09.2019
Date on which judgment is reserved	16.03.2026
Date of the Judgment	17.03.2026
Date of the Sentencing Order, if any	NIL

**Accused Details:**

Rank of the Accused	A-1
Name of Accused	Narendra Kumar, Aged about 47 years, S/o Shri Sahendra Singh, R/o Village- Vasudevpur Chandel P.S.- Mahnar, District- Vaishali
Date of Custody	NIL
Date of Release on Bail	14.08.2013
Offences Charged with	u/s 306 and 498(A) of the IPC
Whether Acquitted or convicted	Acquitted U/s- 306 and 498(A) of the IPC

**Present:- Sri Santosh Kumar Pandey,**  
**District & Additional Sessions Judge-I, Darbhanga**  
**Sessions Trial No. 530 of 2013.**  
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**(Arising out of Town P.S. Case No. 102 of 2009)**

Sentence Imposed	NIL
Period of Detention Undergone during Trial for purpose of section 428, CrPC.	

**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES :-**

**A. Prosecution**

Rank	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
PW 1	Anil Kumar Singh	Cousin of the deceased
PW 2	Vijay Kumar	Independent witness
PW 3	Dheeraj Kumar Singh	Brother of the deceased
PW 4	Sangeet Kumar Singh	Another brother of the deceased
PW 5	Kailash Prasad Singh	Informant and father of the deceased
PW 6	Dr. Beda Nanda Jha	Doctor who conducted the post-mortem examination

**B. Defense Witnesses, if any :-**

Rank	Name	Nature of Evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
Nil	Nil	Nil

**LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**

**A. Prosecution :-**

Sr. No.	Exhibit Number	Description
1.	Exhibit 1	Typed information petition
2.	Exhibit 2	Post-mortem report

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

B. Defense :-

Sr. No.	Exhibit Number	Description
01.	Nil	Nil

**Present :-**

**Santosh Kumar Pandey  
District & Additional Sessions Judge-I,  
Darbhanga.**

**JUDGMENT**

The accused namely **Narendra Kumar** stands charged under Section **306 and 498(A) of the IPC.**

The case of the prosecution, in brief, as made out in the typed information petition, is as follows:—

1. That the informant solemnized the marriage of his daughter, Rita Singh, with Narendra Kumar on 23.04.2023. At the time of marriage, Narendra Kumar was posted as a Junior Engineer in the National Hydraulic Power Corporation. Out of the said wedlock, a male child was born. After marriage, the couple started residing in a rented house belonging to Dr. Abhijeet Sharan. It is alleged that after the marriage, when Rita Singh (now deceased) went to her matrimonial home, the present accused along with his family members demanded a sum of Rs. 2,00,000/- in cash from her parental

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

home. The deceased expressed her inability to fulfil the said demand and the informant also showed his inability to arrange such amount. Thereafter, the accused persons allegedly started subjecting the deceased to cruelty and harassment. It is further alleged that in order to pacify the accused persons, the informant paid a sum of Rs. 50,000/- through two bank drafts of Rs. 20,000/- each; however, despite such payment, the harassment and torture of the deceased continued. The informant made several attempts to persuade and convince the accused persons, but they remained adamant. The deceased allegedly used to frequently inform the informant about the cruelty and harassment meted out to her. It is further stated that in the year 2008, on the instructions of the accused persons, the informant also helped them financially in installing a water tank, motor and tiles in their house. It is also alleged that the deceased had a bank account containing a substantial amount of money, which was allegedly withdrawn at the instance of the accused persons and their family members. It is further alleged that about 15–20 days prior to the death of the deceased, she had come to the house of the informant and informed him about the torture inflicted upon her. The informant allegedly noticed marks of injuries on her body. Subsequently, the present accused came to the house of the informant, sought apology and assured that such acts would not be repeated in future, and thereafter took the deceased back to her matrimonial home. On

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

13.06.2009 at about 5:00 PM, one person informed Sunil Kumar Singh, the nephew of the informant, that some untoward incident had occurred with the deceased. Upon receiving such information, Sunil Kumar Singh went to the house of the deceased where he found her lying dead. He then informed the informant about the incident. Thereafter, the informant along with other family members reached the place and saw the dead body of the deceased. In the meantime, Sunil Kumar Singh submitted an application before the police, on the basis of which U.D. Case No. 03/2009 was registered. It is further alleged that several insurance policies had been taken in the name of the deceased with the intention of obtaining financial benefits after her death. It is also stated that the informant and other relatives were present at the time of the funeral, but their photographs were intentionally not taken. Some villagers present there allegedly informed the informant that his daughter had been killed. The informant also came to know that earlier in the year 2007, the accused persons had allegedly attempted to kill their elder daughter-in-law, in connection with which Mahnar P.S. Case No. 72/2007 had been instituted. On the basis of the above facts and circumstances, the informant firmly believes that on 13.06.2009 his daughter Rita Singh was killed by the present accused along with other family members on account of non-fulfilment of dowry demand.

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

2. Initially, the present case was instituted as Town P.S. Case No. 102/2009 dated 05.07.2009 under Sections 304(B), 120(B)/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act. The investigation of the case was initially entrusted to Bipin Bihari Prasad (PSI). Subsequently, the investigation was concluded by Roop Narayan Mishra (ASI), who submitted the final form stating therein that the alleged occurrence was found to be false. However, upon consideration of the materials available on record, cognizance was taken by the learned court under Sections 306 and 498-A of the IPC against the accused Narendra Kumar.

3. Thereafter, charges were framed against the accused person. The substance of accusation was read over and explained to the accused, to which he pleaded not guilty and claimed to be tried.

4. The defence case, in brief, is one of complete denial of the alleged occurrence and assertion of the innocence of the accused.

5. On the basis of the pleadings and materials available on record, the following point arises for consideration:-

Whether the prosecution has been able to prove the charges levelled against the accused beyond all reasonable doubt?

### **FINDINGS**

6. In order to substantiate its case, the prosecution has examined altogether six witnesses. PW-1 is Anil Kumar Singh, the cousin of the

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

deceased; PW-2 is Vijay Kumar, an independent witness; PW-3 is Dheeraj Kumar Singh, the brother of the deceased; PW-4 is Sangeet Kumar Singh, another brother of the deceased; PW-5 is Kailash Prasad Singh, the informant and father of the deceased; and PW-6 is Dr. Beda Nanda Jha, who conducted the post-mortem examination on the body of the deceased and proved the post-mortem report.

(i) Apart from the oral evidence, the prosecution has also brought certain documentary evidence on record. The typed information petition has been proved and marked as Exhibit-1 and the post-mortem report has been proved and marked as Exhibit-2.

7. PW-1, Anil Kumar Singh, has deposed that on 13.06.2009 he was informed by the landlord of the deceased that she had died. Upon receiving the information, he along with other family members went to the house of the deceased and saw her dead body lying there. Thereafter, the police was informed and the post-mortem examination of the deceased was conducted. He further stated that thereafter his uncle, Kailash Prasad Singh (PW-5), instituted the present case. This witness has also stated that the police did not record his statement during the course of investigation. In his cross-examination, this witness admitted that no occurrence took place in his presence. He further stated that when he reached the place of occurrence, the husband of the deceased, Narendra Kumar, had also arrived there. He

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

has also stated that out of the wedlock of Narendra Kumar and the deceased Rita Singh, a male child was born who is presently living with him.

8. PW-2, Vijay Kumar, has stated that on the date and time of the occurrence he was present at his shop when his landlord telephonically informed him that some untoward incident had taken place and asked him to come immediately. On reaching there, he saw a large crowd assembled and came to know from the father of the deceased that his daughter had died. Nothing further has been stated by this witness in his examination-in-chief. In his cross-examination, he stated that he had not witnessed the occurrence himself. He further stated that the husband of the deceased also arrived there after receiving information about the incident. This witness has also stated that he attended the funeral of the deceased where members of both families were present and that the child of the deceased is presently residing with PW-5.

9. PW-3, Dheeraj Kumar Singh, has deposed that on 13.06.2009 he received information about the occurrence between 4:00 to 5:00 PM. Thereafter, he went to the rented premises where Rita Singh was residing and found her dead body lying on the floor. He further stated that the police subsequently arrived at the place of occurrence and that after the arrival of the police, Narendra Singh went out of the

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

house. Thereafter, the post-mortem examination of the deceased was conducted and her last rites were performed.

10. This witness has further stated that the in-laws of the deceased were demanding money as dowry and that he had also paid amounts of Rs. 25,000/- and Rs. 30,000/- to Narendra Singh prior to the death of the deceased. He further stated that some local persons present there informed him that the deceased had disputes with her in-laws over dowry demands and that her in-laws had killed her.
11. In his cross-examination, this witness stated that he is a contractor by profession and has studied up to Class X. However, he could not specify the period during which he worked as a contractor in Darbhanga and also admitted that he does not possess any documentary evidence to show that he worked as a contractor. He admitted that the accused Narendra Singh was a Government employee even prior to his marriage. He further stated that when he reached the place of occurrence, the accused Narendra Kumar Singh was already present there. He also stated that the funeral of the deceased was conducted from the house of the accused and that the family members of the deceased were also present at that time. In paragraph 21 of his cross-examination, this witness admitted that he could produce the bank drafts, through which the alleged amounts were paid to the accused, at a later stage.

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

12. PW-4, Sangeet Kumar Singh, has deposed that the deceased was his sister and that she was killed. He further stated that soon after her marriage, the in-laws of the deceased began to torture her and demanded money from her parental home. On the date of the occurrence, he received information that Rita Singh had been killed. Upon receiving the information, he went to the place where he saw her dead body lying there. He further stated that when he reached there, the husband of the deceased was also present, but when the police arrived, Narendra Singh allegedly fled away from the place of occurrence. Thereafter, the post-mortem examination of the deceased was conducted.

13. In his cross-examination, this witness admitted that the accused Narendra Singh was employed even prior to his marriage and that at the time of the marriage he was posted in Arunachal Pradesh. He further admitted that the deceased had a son, namely Himanshu Raj, who is presently residing with him. He also admitted that he cannot say whether any complaint had been lodged earlier regarding the alleged torture by the accused persons. This witness further stated that he noticed a needle puncture mark on the right leg of the deceased but did not see any other injury on her body. In paragraph 7 of his cross-examination, he also admitted that the accused Narendra Singh was present at the time of the funeral of the deceased.

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

14. PW-5, Kailash Prasad Singh, is the informant of the present case and the father of the deceased. He has deposed that he had solemnized the marriage of his daughter with the accused Narendra Singh in the year 2006. According to him, about one and a half years after the marriage, the in-laws of the deceased started demanding money from her parental home and for that purpose they used to assault her. He has further alleged that thereafter the accused persons strangled his daughter. Upon receiving information about the occurrence, the informant along with his family members went to the place of occurrence and saw the dead body of the deceased lying in a room. He further stated that he noticed an injury caused by a pointed weapon on the left leg of the deceased. Thereafter, the post-mortem examination of the deceased was conducted and subsequently the present case was instituted.

15. In his cross-examination, this witness admitted that the accused Narendra Kumar was employed even prior to his marriage. He further admitted that although he had knowledge on several occasions that his daughter had allegedly been assaulted, he never lodged any complaint or instituted any case in that regard. He also admitted that the deceased herself had never filed any complaint against her in-laws prior to her death. This witness further stated that he could not

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

say as to who had informed him about the death of his daughter. In paragraph-7 of his cross-examination, he admitted that he did not see

any mark of violence on the neck of the deceased. He also admitted that when he reached the place of occurrence, the accused Narendra Kumar was present there and that the accused also accompanied him for the post-mortem examination of the deceased. He further admitted that the funeral of the deceased was performed at her matrimonial home and at that time he did not lodge any case against the accused persons. It is also admitted that the son of the deceased is presently residing with him.

16. PW-6, Dr. Beda Nanda Jha, is the doctor who conducted the post-mortem examination on the body of the deceased and proved the post-mortem report. He has deposed that on 14.06.2009 he was posted as Tutor in the Department of Forensic Medicine and Toxicology at DMCH. On the same day, he conducted the post-mortem examination on the body of Rita Singh, aged about 28 years. The dead body was brought and identified by Constable No. 149, Bishwanath Singh. During the external examination, the doctor found that the face and both eyes of the deceased were congested. The lips and nail beds showed bluish discoloration. He also found a linear bruise measuring about 3" × 1/7" over the lateral part of the left thigh.

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

17. On dissection, both lungs and all abdominal viscera, namely liver, spleen and both kidneys, were found congested. The stomach contained dark brown liquid with congested gastric mucosa and patchy sub-mucosal haemorrhagic spots were seen at several places along with a pungent smell. The right chamber of the heart was found full whereas the left chamber was empty. The uterus was normal in shape and size and was non-pregnant. The brain and meninges were found congested and the urinary bladder was empty. The doctor initially kept the opinion regarding the cause of death reserved and stated that the same would be given after receipt of the viscera report from the Forensic Science Laboratory, Bihar.
18. In his cross-examination, the doctor stated that as per the viscera report, no metallic, alkaloidal, glycosidal, pesticidal or volatile poison was detected. He further stated that he ultimately opined that the cause of death could not be ascertained in the present case, which sometimes happens in certain autopsy cases where it is not scientifically possible to establish the exact cause of death. He further clarified that on the basis of the post-mortem examination and the FSL report, it cannot be conclusively stated whether the death was suicidal or homicidal. The bluish discoloration found on the lips and nail beds was due to deoxygenated haemoglobin, which may occur due to several causes such as heart attack or other medical conditions.

Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)

19. At this stage, it would be appropriate to refer to the provisions of **Section 306 of the Indian Penal Code**, which provides that “if

*any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.”*

20. In order to bring home a charge under Section 306 IPC, the prosecution must establish the following essential ingredients:

(i) That the deceased had in fact committed suicide and the death was suicidal in nature and not homicidal or accidental.

(ii) That the accused had abetted the commission of such suicide.

(iii) That there was intentional instigation, aid or encouragement by the accused which led the deceased to commit suicide.

(iv) That the accused had committed a direct or active act of instigation or assistance which compelled the deceased to take the extreme step.

Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)

(v) That the conduct of the accused had a proximate and live link with the act of suicide committed by the deceased.

21. The expression “**abetment**” has been defined under Section 107 IPC. As per the said provision, a person is said to abet the doing of a thing if he:

- (i) Instigates any person to do that act; or
- (ii) Engages in a conspiracy for the doing of that act;
- or
- (iii) Intentionally aids, by any act or illegal omission, the doing of that act.

22. Before adverting to the merits of the present case, it would be useful to refer to the principles laid down by the superior courts regarding the scope and ambit of Section 306 IPC. In **Gurucharan Singh Vs. State of Punjab (2017) 1 SCC 433** the Hon’ble Supreme Court held that for sustaining a conviction under Section 306 IPC, the prosecution must prove the existence of abetment as defined under Section 107 IPC and establish that there were direct or indirect acts of incitement to the commission of suicide. The Court further held

Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)

that there must be a clear mens rea on the part of the accused to drive the victim to commit suicide.

23. In **M. Mohan vs. State (2011) Volume 3 SCC 626** the Hon'ble Supreme Court observed that abetment involves a mental process of instigating a person or intentionally aiding a person in the commission of an act. It was further held that without any active

suggestion or encouragement, the provisions of Section 306 IPC cannot be attracted.

24. Likewise, in **Sanju Vs. State of MP (2002) Volume 5 SCC 371** the Hon'ble Supreme Court held that casual remarks made during a quarrel cannot be treated as instigation. The Court emphasized that there must be a proximate and direct nexus between the conduct of the accused and the act of suicide committed by the deceased.

25. Similarly, in **Chitresh Kumar Chopra Vs. State (Government of NCT Delhi) (2009) Volume 16 SCC 605** the Hon'ble Supreme Court held that the term "instigation" means to provoke, incite, urge or encourage a person to do an act. The Court further clarified that in order to constitute instigation there must be active suggestion, stimulation or encouragement by the accused which leaves the victim with no option but to commit suicide.

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

26. From the aforesaid pronouncements of the Hon'ble Apex Court, it is evident that the following principles must be satisfied before a conviction can be recorded under Section 306 of the IPC:

(i) The prosecution must establish that the deceased had committed suicide and that the death was suicidal in nature and not homicidal or accidental.

(ii) The prosecution must prove the element of abetment as defined under Section 107 IPC.

(iii) There must be clear mens rea on the part of the accused to instigate, provoke or aid the deceased in committing suicide.

(iv) There must exist a proximate and live link between the conduct of the accused and the act of suicide committed by the deceased.

(v) Mere harassment, ordinary domestic discord or casual quarrels, without any direct or proximate act of instigation, cannot constitute the offence of abetment of suicide.

27. Applying the aforesaid settled principles of law to the facts of the present case, it appears that the prosecution has failed to establish the foundational ingredients required for attracting Section 306 IPC. In

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

the present case, the cause and nature of the death of the deceased remain uncertain.

28. PW-6, Dr. Beda Nanda Jha, who conducted the post-mortem examination, has deposed that he found only a linear bruise measuring about 3" × 1/7" over the lateral part of the left thigh of the deceased and no other mark of external injury or violence was detected on her body. In his cross-examination, the doctor has categorically stated that on the basis of the post-mortem examination and the FSL report it cannot be conclusively stated whether the death was suicidal or homicidal. The said witness, being the most competent medical witness to depose regarding the cause of death, has clearly stated that he is unable to ascertain the cause and nature of death.
29. The doctor has further deposed that as per the viscera report, no metallic, alkaloidal, glycocidal, pesticidal or volatile poison was detected in the viscera of the deceased. Thus, the medical evidence completely fails to establish that the death of the deceased was suicidal in nature.
30. Therefore, the most essential ingredient of Section 306 IPC, namely proof that the deceased committed suicide, remains unproved in the present case.
31. Apart from this, the prosecution has also failed to establish any specific act of instigation, provocation or intentional aid on the part

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

of the accused which could have compelled the deceased to take the extreme step. No witness has deposed about any direct or proximate act of the accused which could amount to abetment within the meaning of Section 107 IPC. The allegations made against the accused are vague and general in nature and are not supported by any independent or reliable evidence.

32. In view of the above discussion, this Court finds that the prosecution has failed to establish the guilt of the accused under Section 306 IPC beyond reasonable doubt.

33. So far as the charge under Section 498A of the Indian Penal Code is concerned, the evidence adduced by the prosecution does not appear to be sufficient to establish the said offence beyond reasonable doubt. PW-1 and PW-2 have not stated anything in their examination-in-chief regarding any demand of dowry or any act of cruelty or harassment inflicted upon the deceased by the accused persons.

34. PW-3 has stated that he had allegedly paid Rs. 25,000/- and Rs. 30,000/- to the accused Narendra Singh and that a further sum of Rs. 40,000/- was paid through two bank drafts of Rs. 20,000/- each. However, no documentary evidence with respect to the alleged bank drafts has been produced before the Court to substantiate the

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

statement made by this witness. In the absence of such documentary proof, the testimony of this witness regarding payment of the alleged amount remains uncorroborated.

35. PW-4 and PW-5 have made general allegations regarding demand of money and torture of the deceased. However, in his cross-examination, PW-5, who is the informant and father of the deceased, has categorically admitted that he never lodged any complaint before any authority regarding the alleged assault or demand of dowry prior to the death of the deceased. He has further admitted that neither he nor the deceased had ever filed any complaint against the accused

persons before any forum regarding alleged torture or harassment for dowry.

36. As discussed above, although PW-3 has alleged that apart from Rs. 55,000/- in cash, two bank drafts amounting to Rs. 40,000/- were also given to the accused Narendra Singh, no documentary proof regarding such bank drafts has been brought on record by the prosecution. Thus, the said assertion remains unsubstantiated.

37. Similarly, the allegations made by PW-4 and PW-5 with regard to the demand of dowry and harassment of the deceased also remain uncorroborated by any independent evidence. It is significant to note that no complaint, written or oral, was ever made either by the

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

informant or by the deceased during her lifetime before any authority regarding the alleged cruelty or dowry demand.

38. In view of the aforesaid circumstances, the prosecution has failed to establish the essential ingredients of the offence punishable under Section 498A of the IPC against the accused beyond reasonable doubt.
39. It is a settled principle of criminal jurisprudence that the burden of proving the guilt of the accused lies upon the prosecution and the same must be proved beyond all reasonable doubt. The accused is entitled to the benefit of every reasonable doubt arising from the evidence on record.
40. In the present case, as discussed above, the prosecution has failed to establish that the death of the deceased was suicidal in nature. The medical evidence also does not support the prosecution case and the doctor who conducted the post-mortem examination has clearly stated that the cause of death could not be ascertained and that it cannot be concluded whether the death was suicidal or homicidal.
41. Further, the prosecution has also failed to prove any specific act of instigation, provocation or intentional aid on the part of the accused which could constitute abetment within the meaning of Section 107 IPC. The allegations regarding demand of dowry and cruelty are also vague, general and unsubstantiated by reliable and independent evidence.

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

42. In view of the above discussion and appreciation of the evidence on record, this Court is of the considered opinion that the prosecution has failed to prove the charges under Sections 306 and 498A of the Indian Penal Code against the accused Narendra Kumar beyond the shadow of reasonable doubt. Accordingly, the accused is entitled to the benefit of doubt.

### **Order**

In the light of discussions made above, it appears that the prosecution has miserably failed to bring home the charge under Section 306 and 498(A) of the IPC against the accused person above

named beyond the shadow of reasonable doubts and in the result, the accused person above-named is found and held not guilty for the aforesaid charges and he is accordingly acquitted of the same. The accused is also freed from the liabilities of his bail bonds and hence, office is directed to send this record into the record room as per rules.

**Judgment pronounced in the open Court.**

**Dictated and corrected by me.**

**(Santosh Kumar Pandey)**

**District & Addl. Sessions Judge-I, Darbhanga.  
17.03.2026**

**District & Addl. Sessions Judge-I,  
Darbhanga.  
17.03.2026**

**Present:- Sri Santosh Kumar Pandey,  
District & Additional Sessions Judge-I, Darbhanga  
Sessions Trial No. 530 of 2013.  
Registration No. 3366 of 2014.  
(Arising out of Town P.S. Case No. 102 of 2009)**

<b>Date of Judgment</b>	17-03-2026
<b>Date of Reserving Judgment</b>	16-03-2026
<b>Uploading Date</b>	19-03-2026
<b>Uploaded by</b>	Ratnesh Kumar (DEO)

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