

Present:- Sri Santosh Kumar Pandey,
District & Additional Sessions Judge-I, Darbhanga
Sessions Trial No. 702/2025
Registration No. 702/2025
(Arising out of Mahila Thana P.S. Case No. 077/2025)

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- 1 DARBHANGA	
Present:- Santosh Kumar Pandey, District & Additional Sessions Judge- 1	
Date of Judgment:- 09.03.2026	
<u>ST No.- 702/2025</u>	
Case No.:- Mahila Thana PS Case No.- 077/2025	
REPRESENTED BY	Shri Lalan Kumar, Addl.P.P
ACCUSED	Mukesh Kumar Bhagat S/o Ram Kripal Bhagat aged about 35 years. Resident of Mohalla- Taralahi P.S.- Bahadurpur District- Darbhanga.
REPRESENTED BY	Sri Sudhir Kumar, Learned Advocate

Date of Offence	11.02.2022
Date of FIR	12.06.2025
Date of Charge-sheet	CS No.-701/2025, Dated-31.08.2025
Date of Framing of Charges	15.12.2025
Date of Commencement of evidence	03.01.2026
Date on which judgment is reserved	24.02.2026
Date of the Judgment	09.03.2026
Date of the Sentencing Order, if any	NIL

Accused Details:

Rank of the Accused	A-1
Name of Accused	Mukesh Kumar Bhagat S/o Ram Kripal Bhagat aged about 35 years. Resident of Mohalla- Taralahi P.S.- Bahadurpur District- Darbhanga.
Date of Custody	21.08.2025
Date of Release on Bail	-
Offences Charged with	U/s- 69 BNS, 66E & 67A of IT Act
Whether Acquitted or convicted	Acquitted
Sentence Imposed	NIL
Period of Detention Undergone during Trial for purpose of section 428, CrPC.	200 Days

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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	Saiyad Rashid Abbas	Hostile witness.
PW-2	Neelam Singh	The IO of this case.
PW-3	Urmila Devi	Hostile witness.
PW-4	Sanjula Devi	The informant and also the sole victim of this occurrence.

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-P1/P.W.-2	The certificate under Section 63(4) (c).
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B. Defense :-

Sr. No.	Exhibit Number	Description
01.	Nil	Nil

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Present :-

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

JUDGMENT

The accused namely **Mukesh Kumar Bhagat** stands charged under Sections **69 BNS, 66E & 67A of IT Act.**

The case of the prosecution in brief as made out in the typed petition is as follows:-

1. It is alleged that the husband of the informant died during the Covid-19 pandemic. Subsequently, one **Narayan Sahni** instituted **Title Suit No. 388/2021** against the informant. The accused, Mukesh Kumar Bhagat, who is stated to be a distant relative of the informant, used to visit her house and assured her that he would properly pursue and assist in the said title suit on her behalf. It is further alleged that the informant, who earns her livelihood by selling tea, paid a sum of **Rs. 1,00,000/-** to the accused for proper representation and pairvi in the aforesaid title suit. Thereafter, the accused allegedly proposed marriage to the informant and, on the pretext of marriage, established physical relations with her. During the course of such relationship, the accused is alleged to have recorded objectionable videos of the informant. The prosecution case further states that subsequently the accused threatened the informant that if she did not transfer her land in his name, he would make the said videos viral on social media. It is also alleged that the accused later refused to marry the informant and circulated her nude and objectionable videos through forged social media accounts, namely an **Instagram ID – “Sanjula8300”** and a **Facebook ID – “Krishna Nagvanshi.”**

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2. On the basis of the aforesaid allegations, an **FIR was lodged on 12.06.2025** giving rise to **Mahila Thana P.S. Case No. 077/2025**. The investigation of the case was entrusted to **S.I. Neelam Singh**, who, after completion of investigation, submitted the **charge-sheet** against the accused. On the basis of the charge-sheet, cognizance of the alleged offences was taken and the accused was summoned to face trial.
3. Subsequently, charges were framed against the accused under the aforesaid sections, to which the accused pleaded **not guilty** and claimed to be tried.
4. The defence case, in brief, is a complete denial of the alleged occurrence and assertion of the innocence of the accused.
5. In view of the rival submissions and the materials available on record, the point that arises for consideration before this Court is whether the prosecution has been able to prove the charges levelled against the accused beyond all reasonable doubt.

FINDINGS

6. In order to prove its case the prosecution has altogether examined four witnesses in this case in which P.W.-1 is Sayad Rashid Abbas, P.W.-2 is Neelam Singh the IO of this case, P.W.-3 is Urmila Devi and P.W.-4 is Sanjula Devi the informant and also the sole victim of this occurrence.

(i) The certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam has been marked as **Exhibit-P1**, proved by **P.W.-1**.
7. P.W.-4 Sanjula Devi, is the **informant as well as the sole victim** of the alleged occurrence. In her deposition before the Court, she has stated that the

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alleged occurrence relates to the year **2025**. She further stated that she was involved in a **civil dispute with Narayan Sahni**, and during that period the present accused **Mukesh Kumar Bhagat** came to her house and assured her that he would properly represent her in the said civil litigation. According to her, thereafter the accused started visiting her house frequently.

8. The witness has further deposed that in the meantime a **love relationship developed between her and the accused**. Subsequently, the accused allegedly asked her to **transfer her land in his name**, which she refused. Thereafter, some **scuffle took place between them**.

9. However, the witness has categorically stated before this Court that in anger she filed the present case and that no such occurrence, as alleged in the FIR, ever took place against her. She further stated that she was not medically examined, nor was her statement recorded before the Court during the course of investigation.

10. In her **cross-examination**, this witness stated that **she cannot say who drafted the written report**, and that **the contents of the case were not read over to her**. She ultimately reiterated that **no occurrence as alleged in the FIR had taken place with her**.

11. From the testimony of **P.W.-4**, it clearly appears that the **sole victim and informant herself has not supported the prosecution case**. She has completely **resiled from the allegations made in the FIR** and has categorically stated before the Court that **no such incident took place**, and that she lodged the present case **in anger after a dispute arose between her and the accused regarding transfer of land**.

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12. P.W.-1 and P.W.-3 have also **not supported the prosecution case** and both were declared **hostile by the prosecution**. These witnesses have stated in their evidence that **they have no knowledge about the alleged occurrence** and that **their statements were never recorded by the police during investigation**.
13. P.W.-2, **Neelam Singh**, who is the **Investigating Officer (I.O.)** of this case, has deposed that during the course of investigation she **recorded the statements of the witnesses and visited the place of occurrence**. She further stated that she **took the victim to DMCH for medical examination**, but the informant **refused to undergo medical examination**. The I.O. has also admitted that **she did not record the statements of persons residing in the vicinity of the place of occurrence**. Nothing material has been brought on record through the testimony of this witness.
14. As discussed above, it is a **settled principle of law** that in cases relating to **sexual offences on the pretext of marriage**, the **sole testimony of the victim can form the basis of conviction**, provided that the statement of the victim is **reliable, trustworthy and inspires confidence**. However, if there are **material inconsistencies in the testimony of the victim**, then **corroboration from other evidence becomes necessary**.
15. In the present case, the **victim herself has not supported the prosecution case** and has completely **resiled from the allegations made in the FIR**. The other prosecution witnesses have also **not supported the case of the prosecution and have been declared hostile**. The evidence of the **Investigating Officer is only of corroborative nature** and cannot by itself form the basis of conviction. When the **informant herself has not supported**

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the prosecution case, the testimony of the **I.O. (P.W.-2)** alone cannot be made the basis for holding the accused guilty.

Order

In view of the discussions made above, this Court is of the considered opinion that the prosecution has miserably failed to prove the charges under Sections 69 of the BNS and Sections 66E & 67A of the Information Technology Act against the accused beyond the shadow of reasonable doubt. Accordingly, the accused **Mukesh Kumar Bhagat** is **found not guilty** of the aforesaid charges and is **hereby acquitted** of the same. The accused Mukesh Kumar Bhagat is in custody. Hence, the office is directed to issue release of the accused at once. The office is directed to send this record in 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.
09.03.2026**

**District & Addl. Sessions Judge-I,
Darbhanga.
09.03.2026**

Date of Judgment	09.03.2026
Date of Reserving Judgment	24.02.2026
Uploaded Date	12.03.2026
Uploaded By	Pushkar