

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE - I EAST CHAMPARAN, MOTIHARI. PRESENT :- Sri Surendra Prasad District and Additional Sessions Judge –I East Champaran, Motihari. Date of Judgment-The 17th Day of June’ 2026. <u>Session Tr. No. 1223 of 2017</u> <u>C.I.S. No. 1223 of 2017</u> <u>(Arising out of Dumariyaghat P.S Case No. 68 of 2017)</u>	
INFORMANT	State of Bihar (Through the informant Arun Sahani)
REPRESENTED BY	Sri Ishwar Chandra Dubey, Addl. P.P.
ACCUSED	1. Rajesh Sahani alias Rajeshwar Sahani s/o- Sri Munnilal Sahani, aged about 30 years R/o Vill- Pakri, P.S.- Dumariyaghat, District- East Champaran
REPRESENTED BY	Sri Lalan Kumar Ld. Counsel for the Accused

Accused Details

Rank of the Accused	1
Name of Accused	Rajesh Sahani alias Rajeshwar Sahani
Date of Arrest or surrender	Accused arrested on 05.08.2017
Date of Release on Bail	Accused persons released on 23.12.2017.
Offences Charged with	u/s 366(A) read with 34 of I.P.C.
Whether Acquitted or Convicted	Acquitted
Sentence Imposed	
Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.-	

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	Arun Sahni	Witness of facts
PW-2	Manju Devi(Victim)	Witness of facts

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	None	

LIST OF PROSECUTION/DEFENCE COURT EXHIBITS

A. Prosecution

Sr. No	Exhibit Number	Description
1	Exhibit-P-1 (PW-1)	Written Application of the informant
2	Exhibit-P-2 (PW-2)	Statement of victim under section 164 Cr.P.C.

District & Addl. Sessions Judge - I
East Champaran, Motihari.
Dated:-17.06.2026

J U D G M E N T

1. The above named accused stands charges for the offences punishable under Section 366(A) read with 34 of I.P.C.. The charges were read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.
2. The case of the prosecution in brief as stated by the informant is that on 03.05.2017 at about 10:30 PM his daughter was going outside for

natural call, in the meantime accused Raju Sahani, Rajesh Sahani, Marachho Devi and 4 unknown persons kidnapped his daughter on a white colour car bearing registration no. BR01AN7688. Thereafter this case has been filed by the informant.

3. On the basis of aforesaid written report of the informant this case was registered as Dumariyaghat P.S. Case No. 68 of 2017 Under Section 366(A) read with 34 of the I.P.C. After investigation, charge-sheet was submitted by the police against the accused Rajesh Sahani under section 366(A) read with 34 of I.P.C. Accordingly, cognizance of the offence was taken by Learned A.C.J.M., East Champaran, Motihari under section 366(A) read with 34 of the I.P.C. against the above named accused. Thereafter, the case was committed to the Court of Sessions. The charges were framed against the above named accused and the case proceeded for trial.

4. The defence of the accused in her statement recorded U/S 313 of the Cr.P.C. has stated that he is innocent and has not committed any offence and has been falsely implicated in this case.

5. Now, the only point arises for determination is that whether the prosecution has been able to bring home the guilt of the accused on trial beyond the shadow of all reasonable doubts or not ?

FINDINGS

6. In order to substantiate the charge, the prosecution has examined two witnesses in this case.

PW.1 is Arun Sahani

PW.2. is Manju Devi(Victim of this case)

7. Now, coming to the evidence as adduced on behalf of the prosecution, I find that **PW-1** stated in his examination-in-chief is that he is the informant of this case. The occurrence took place in the year 2017. On the day of occurrence at about 10:00 PM his daughter went to natural call from where the accused persons namely Rajesh Sahan, Raju Sahani, Marachho Devi and 304 unknown persons kidnapped her and took her on the white colour car. Thereafter he filed this case. He proved written

application which was marked as Exhibit- P-1 (PW-1). He identified the accused Rajesh Kumar as he is his nephew in his village.

During his cross-examination he stated that Rajesh Kumar did not kidnap his daughter by luring her away. He filed this case based on what people said. He scolded his daughter, so she became angry and went to Chandigarh to meet Rajan. When she returned, she was solemnized marriage. There is no involvement of Rajesh Sahani in this case.

PW-2 Manju Devi victim of this case has stated in her examination-in-chief that the occurrence took place earlier. She has gone to Chandigarh with Rajan. Her father picked her from Chandigarh and took her to the police. She proved her statement under section 164 of Cr.P.C. which was marked as Exhibit-P-2 (PW-2).

During her cross-examination she has stated that accused Rajesh Sahani is her villager, so she know him. Her father mistakenly named Rajesh Sahani in this case. Her father scolded her so she left her house and went to Chandigarh. No one kidnapped her or did anything wrong with her. Accused Rajesh Sahani is innocent..

8. The accused has been examined U/S 313 of the Cr.P.C. in which he has again reiterated his innocence.

9. During the course of the argument the learned Counsel appearing on behalf of the defence has submitted that the witness examined on behalf of the prosecution has not supported the case of the prosecution. In the end it has been prayed on behalf of the defence to acquit the accused.

Whereas the learned Additional Public Prosecutor has submitted that the witness has not supported the prosecution's case and has prayed to dispose of the case on the basis of materials available on the record.

10. From the analysis and appreciation of the aforesaid facts, circumstances and evidence available on record as discussed above, I find that the witnesses examined on behalf of the prosecution have not supported the case of the prosecution as brought by the informant against the accused as named above. They have not brought any specific allegation against the accused as named above. During cross-examination the informant has stated that no one kidnapped her daughter. She went his

home in anger and is his villager and he is innocent. During cross-examination of victim as PW-2 she stated that she left home in anger. No one kidnapped her. Nothing wrong had happened to her. No other witness has been examined on behalf of the prosecution to support the prosecution case. There is no other evidence available on the record to connect the accused with the alleged crime.

11. Thus, from the facts and circumstances of the case and the evidence available on record as discussed above, the witnesses examined on behalf of the prosecution have not supported the case of the prosecution and thus, the charge under section 366(A) read with 34 of I.P.C. has not been proved by the prosecution. Thus, in my considered opinion, I am of the view that the prosecution has miserably failed in bringing home the guilt of the accused beyond the shadow of all reasonable doubts.

12. In the result, I find and hold that the accused Rajesh Sahain as not guilty of the charges. Hence he is acquitted of the charges under section 366(A) read with 34 of I.P.C. He is set at liberty and discharged from the liability of his bail bond.

Dictated and corrected by me,

(Surendra Prasad),
District and Addl. Sessions Judge-I,
East Champaran,Motihari.
Date :-17.06.2026.