

**IN THE COURT OF ADDL. SESSIONS JUDGE- I, JHANJHARPUR,
MADHUBANI, BIHAR**

SESSIONS TRIAL NO. 95/2016

Arising out of Complaint Case No. 319/2000, dated 22.05.2000.

U/S:- 376/ 34 of the I.P.C.

Nepur Devi , W/O Buddh Ram Sadai, R/O Vill- Madhwapur, P.S. Laukaha, Dist.-
Madhubani..... Complainant)

----- **Prosecution**

vs.

1. Baidyanath Prasad Gupta, S/O Late Subey Prasad Gupta, Aged about 57 years.
2. Taranand Gupta, S/O Late Bhaiya Lal Sah, Aged about 77 years.

Both R/O Village Madhwapur, P.S.- Laukaha, District-Madhubani.

----- **Accused Persons**

Charges u/s- 376/34 of the I.P.C.

Date of offence- 16.05.2000

Date of Complaint- 22.05.2000

Date of Cognizance:-07.09.2000

Date of Framing Charge- 18.03.2026

Case committed to the Court of Sessions:- 07.12.2015

Date of Statement u/s sec 313 CrPc.- 18.06.2026

Date of Judgment- 29.06.2026

For the prosecution: Shri Indrakant Prasad, Ld.A.P.P

For the defence:- Hari Narayan Gupta, Ld. Advocate.

Jhanjharpur, Dated 29th day of June, 2026

Present:- Sushil Kumar Dixit
Addl. Sessions Judge-I,
Jhanjharpur

J U D G M E N T

1. The above named both accused persons stands charge for the offence punishable under Sections 376/34 of the I.P.C. Further charges are read over and explained to the above accused persons in hindi to which they pleaded not guilty and claimed to be tried.
2. The case of the prosecution as per complaint petition in brief is that the complainant named above has filed a complaint case bearing CR. No. 319/2000 on dated 22.05.2000 before the Court of Ld. ACJM, Jhanjharpur stating interalia that on dated 16.05.2000 at about 05 A.M. in the morning she went to collect mango leaves at mango orchard near Brahmstahan at village Madhwapur, PS Laukaha under Madhubani District then all of

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sudden accused persons caught and hold her and wrapped gamcha around her mouth and accused persons by throwing her into the ground raped with her and also took a silver chain worth Rs. 200/- Hence this case.

3. After that in course of enquiry the complainant examined herself on oath as well as enquiry witnesses as produced on behalf of the complainant, a prima facie case is found under above sections and after commitment this case sent to the Court of Sessions for trial and disposal. Subsequently this record has been received to this Court on dated 26.04.2025 vide order No. 86/25 dated 17.04.2025 by the District and Sessions Judge, Madhubani. Further accused persons appeared before this Court and charges under above section is framed on dated 18.03.2025 which have been read over and explained to the accused persons in hindi to which they pleaded not guilty and claimed to be tried.
4. After prosecution evidence, the statement of the accused persons recorded under Section 313 of the Cr.PC.,/351 of the BNSS in which the accused persons denied the allegations leveled against them, claiming innocent.
5. On behalf of defence, no any oral or documentary evidence has been adduced. The innocence and denial of committing offence is only the defence plea. Heard the arguments at length on behalf of both the sides.
6. Now the main point for determination arises whether the complainant has been able to prove the charges leveled against the accused persons facing trial beyond the shadow of all reasonable doubt?

FINDINGS

7. In this instant case, the complainant herself appeared for evidence on dated 09.06.2026 in which in her examination in chief in para No. 01 she has stated that she has filed this complaint case against four persons in which only both accused persons named above are facing trial rest have been died and further she has stated that in the year 2000 she had gone to collect mango leaves in the mango orchard then accused persons came abused and assaulted her, on raising halla villagers came and accused persons fled away but in cross examination she has specifically stated that the accused persons never molested or assaulted her and only the accused persons were the witnesses in a case against her husband that's why she has filed this case against accused persons. The complainant victim as a witness has also further stated that she has compromised this case with the accused persons and rest witnesses of the case have already died and she is not willing to proceed further with this case.

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In this case save and except the complainant no any witness has been produced by the prosecution and the complainant herself has not supported the case of the prosecution as alleged in the FIR and there is vital contradiction in the statements as made by the complainant victim in her examination in chief as well as cross examination. Therefore, considering the entire materials and evidence available in the record, one can safely say that the prosecution has miserably failed to establish the charges leveled against the accused persons facing trial therefore, I am of the considered view that the accused persons deserved to be acquitted in this case.

ORDER

The accused namely, (i) Baidyanath Prasad Gupta (ii) Taranand Gupta are not found and held guilty for the charges punishable under Sections 376/34 of the I.P.C. and acquitted accordingly for the same. Accused persons are on bail therefore, their bail bonds have been cancelled and sureties discharged.

This dictated and corrected judgment is pronounced by me in the open Court today.

Dictated and Corrected by me

(Dictated)

(Sushil Kumar Dixit)
Addl. Sessions Judge-I
Jhanjharpur
29.06.2026

(Sushil Kumar Dixit)
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Jhanjharpur
29.06.2026