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Court of Addl. Sessions Judge-I, Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.

Sessions Trial No. 66/2021

Mahila P.S. Case No. 59 of 2019

State (Rupa Kumari) Vs Santosh Yadav

DATE OF JUDGMENT: - 10th day of June 2026

Court of Addl. Sessions Judge-I, Munger

DISTRICT : - MUNGER (BIHAR)

P R E S E N T:

Amit Ranjan Upadhyay,
Addl. Sessions Judge-I
Munger

Sessions Trial No. 66/2021

Mahila P.S. Case No. 59 of 2019

State (Rupa Kumari) Vs Santosh Yadav

DATE OF JUDGMENT: - 10th day of June 2026

INFORMANT	Rupa Kumari, D/o Ashok Thakur, At Matadi Paharpur, P.S. Dharahra, District Munger.
REPRESENTED BY	Sri Pranab Kumar Ld. Additional Public Prosecutor.
ACCUSED	Santosh Yadav Age 26 yrs. S/o Jugal Yadav @ Jagarnath Yadav At Matadi Paharpur, P.S. Dharahra, District Munger.
REPRESENTED BY	Sri Sri Rakesh Kumar Sinha Ld. Defence Counsel

Date of offence	29.12.2019
Date of FIR	29.12.2019
Date of Charge sheet	26.02.2020
Date of Framing of Charges	31.08.2021
Date of commencement of Evidence	18.07.2022
Date on which judgment is reserved	26.05.2026
Date of the Judgment	10.06.2026
Date of the Sentencing order, if any	Accused person has been Acquitted.

Accused Details:

Rank of the Accused	Name of the Accused persons	Date of Arrest/ Surrender	Date of Release on Bail	Offenses Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428 Cr.P.C.
1.	Santosh Yadav	09.01.2020	07.03.2020	354, 448 376/511 of the I.P.C.	Acquitted	N.A	N.A

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J U D G M E N T

1. In this case sole accused **Santosh Yadav** stands charged **u/sections 354, 376/511, 448 of the I.P.C and facing the trial.**
2. As per the prosecution case, on 29.12.2019 at about 01.00 P.M. while the informant went to her new constructed house for nature call, the accused entered into that house and started teasing her and when she raised alarm, he fled away from there. In the instance of written application filed by the informant, a case being Mahila P.S. Case No. 59/2019 has been registered and investigation has been started.
3. After completion of the investigation, the investigating officer has submitted **charge sheet No. 11/2020 dt. 26.02.2020 U/sections 452, 376/511, 506 of I.P.C.** and on that basis, cognizance of offence has been taken by the Court of Ld. Judicial Magistrate-1st class, Munger on 28.02.2020 against the accused **Santosh Yadav.**
4. The case of the defence is total denial of the occurrence. Ld. Defence Counsel has submitted that the accused has falsely been implicated in this case due to village politics.
5. On **31.08.2021** the charge has been framed **U/sections 354, 376/511, 448 of I.P.C.** and explained in Hindi to the accused **Santosh Yadav** who pleaded not guilty and claimed to be tried. Thereafter, the prosecution has examined altogether four witnesses to substantiate its case.
6. On 21.08.2025 prosecution evidence has been closed and the record was fixed for recording of statement of the accused U/s 313 of the Cr.P.C. Thereafter, **on 24.09.2025** the statement of the accused person U/s 313 was recorded in which he denied the allegations levelled against him.
7. ***Now, the main point for adjudication in this case is that whether the prosecution has been able to prove its case against the accused person beyond the shadow of all reasonable doubt or not ?***

Court of Addl. Sessions Judge-I, Munger**Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I, Munger.****Sessions Trial No. 66/2021****Mahila P.S. Case No. 59 of 2019****State (Rupa Kumari) Vs Santosh Yadav****DATE OF JUDGMENT: - 10th day of June 2026****FINDING****8. In this case, prosecution has examined four witnesses in this case -**

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Bhushan Prasad Singh	Investigating officer
2.	PW-2	Victim X	Informant
3.	PW-3	Ashok Thakur	Other witness
4.	PW-4	Sulekha Devi	Other witness

9. In this case, prosecution has produced three documentary evidences.**LIST OF DOCUMENT EXHIBITED:**

Sl. No.	Exhibit No.	Description Of Exhibit
1.	Exhibit-P-1	Seizure list of cloths
2.	Exhibit-P-2	Signature of the informant on written application
3.	Exhibit-P-3	Signature of Pankaj Kumar on written application
4.	Exhibit-P-4	Signature of Sulekha Devi on written application
5.	Exhibit-P-5	Statement u/s 164 of the Cr.P.C.

10. No any oral or documentary Evidence produced on behalf of defence side.

11. The prosecution has examined four witnesses in this case. In course of adjudication, I would like to discuss the evidences adduced by the prosecution one by one. **PW-1 Bhushan Prasad Singh has stated in his examination-in-cheif that on 29.12.2019, he was posted at Mahila Police Station as a Police Sub-Inspector and on that day, he took charge of investigation of Mahila P.S. Case No. 59/2019. After taking the charge, he recorded the re-statement of the victim and the statements of the father of victim, Sangeeta Devi and Rinku Devi who have supported the factum of F.I.R. He inspected the place of occurrence. He has described the place of occurrence as the newly constructed house of the informant situated at Matadih Paharpur P.S. Dharahra, District Munger. He has also described the boundary of the place of occurrence as orchard of Gautam Thakur in the north, the lane thereafter the house of Gopi Saw in the south, house of Anil Thakur in the east and the orchard of Mukesh Thakur in the west. He has further stated that he made the seizure list of a cap of brown**

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colour jacket, the torned pajama of victim and one knife and he identified his handwriting and his signature on that seizure list and upon his identification, the seizure list has been marked as Exhibit-P-1. He has further stated that he had recorded the statements of the aunt(bua) and younger sister of the victim thereafter, he had submitted the charge-sheet u/s 452, 376/511, 506 of the I.P.C. on 26.02.2020. In his cross-examination, he has stated that he had inspected the place of occurrence on 29.12.2019 but he did not mention the time of inspection in the case diary. He stayed at the place of occurrence for two and half hours. The place of occurrence is the house of Ashok Thakur. He has further stated that he has not remember about the length and the breadth of the room in which the occurrence taken place. He has not mentioned the boundary of place of occurrence in the case diary. He has also stated that the room had no window and door at that time. He has also stated that the house was not painted at that time. He has stated that the victim was not examined medically. He has further stated that on 29.12.2019 he had recorded the statements of Ashok Thakur, Sangeeta Devi and Rinku Devi at their houses and on 30.12.2019 the statements of the mother and the aunt(bua) of the victim at the police station but he did not mention in the time of recording their statements in the case diary. He has stated that he did not investigate about the dispute about the drain between the informant and the accused. He has further stated that there is contradiction in the statements of the victim u/s 164 of the Cr.P.C. and 161 of the Cr.P.C. He had not mentioned the length and the breadth of the seized pajama in the case diary. He unable to say the length and the breadth of the knife and the handle of the knife but the knife was white in colour. He has denied the suggestion that neither he inspected the place of occurrence nor he recorded the statement of any witness and he completed the investigation of this case by sitting in the police station. He has also stated that he did not get the victim medically examined as there was

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no mark of injury on the body of the victim. **PW2 victim** who has stated in her examination-in-chief that she is the informant of this case and the application was written by her cousin brother Pankaj Kumar and she identified her signature and the signatures of Pankaj Kumar and her mother Sulekha Devi on the written application and upon her identification, the signatures have been marked as Exhibit P-2/PW2, PW-3/PW2 and PW4/PW2 respectively. She has further stated that the incident occurred two-three years back at about 10.00 A.M. She has further stated that she was going to her newly constructed house but Kista Yadav @ Santosh Yadav had done nothing with her, again he has stated that he had hold her hand thereafter an altercation was taken place between her parents and Santosh Yadav. He has identified her signature on the statement u/s 164 of the Cr.P.C. She has also stated that she had narrated about the incident in her statement u/s 164 of the Cr.P.C. which was marked as Exhibit-P-5/PW2. She has identified the accused Santosh Yadav present in the Court. In her cross-examination, she has stated that the incident of teasing has not been occurred with her. She has further stated that she had lodged this case due to pressure of other persons. She has also stated that the police had taken the jacket of her brother from her house. She had also stated that she had not got medically examined and she deposed before the Court voluntarily without any fear and pressure. PW3 and PW4 have not supported the case of prosecution and both of them have been declared hostilee by this court on the request of Ld. A.P.P.

Apart from production and examination of these four witnesses including informant of this case, Prosecution has failed to produce other charge sheeted witnesses. This case is solely based on written application of informant of this case who has only stated that the accused had caught hold her hand thereafter, an altercation was taken place between her parents and the accused. After the completion of the investigation, the investigating officer

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has submitted charg-sheet u/s 452, 376/511 and 506 of I.P.C against the sole accused Santosh Yadav @ Kishta, cognizance of offence was taken in the same section on 28.02.2020 and the case was committed to the Court of Sessions on 20.02.2021 where this case has been registered as Session Trial No. 66/2021 and transferred to this Court on 16.06.2021. Charge was framed against the accused on 31.08.2021 and this court has issued summons as well as bailable warrants against the prosecution witnesses which resulted into production of four witnesses including the informant of this case. It is hard fact that except the investigating officer, none of the prosecution witnesses has supported the case. Even, victim has stated that the accused has done nothing but again stated that he had caught hold her hand and an altercation was taken place between her parents and the accused. Even victim has not stated date, month, year of the occurrence but than stated that the incident has taken place at about 10.00 A.M. which is in contradictory with written petition where place of occurrence has been mentioned at about 1.00 P.M. She has also further stated in her cross-examination that no molestation or wrongful incident has taken place with her. She has admitted to register this case due to pressure of others and has registered this case out of passion. She has also denied to undergo her medical treatment. It means that informant cum sole victim has not supported the case of prosecution and stated anything adverse against the accused person. So, non supporting of informant regarding prosecution story has made prosecution case doubtful and in this way, prosecution has failed to prove the charges leveled against the accused person beyond the shadow of reasonable doubt. It is well settled principle of law that benefit of doubt always goes in favour of accused person.

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12. Accordingly, it is therefore,

Ordered

I found and held accused person namely **Santosh Yadav** not guilty **U/section 354, 376/511, 448 of the I.P.C.** and acquitted him by giving him the benefit of doubt. Since, the accused is on bail, hence, his respective bailors are ordered to be discharged from the liabilities of their respective bail bonds and the accused is set at liberty forthwith.

Dictated & Corrected by me and pronounced in open court in Presence of both side signed and sealed on 10th day of June 2026.

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
10.06.2026

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Accused Details:

Rank of the Accused	Name of the Accused persons	Date of Arrest/ Surrender	Date of Release on Bail	Offenses Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428 Cr.P.C.
1.	Santosh Yadav	09.01.2020	07.03.2020	354, 448 376/511 of the I.P.C.	Acquitted	N.A	N.A

Appendix

Form C

List of Prosecution/Defence/Court witnesses (A) Prosecution

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Bhushan Prasad Singh	Investigating officer
2.	PW-2	Victim X	Informant
3.	PW-3	Ashok Thakur	Other witness
4.	PW-4	Sulekha Devi	Other witness

(B) Defence witness, if any.....Nil.

(C) Court Witnesses.....Nil

LIST OF Prosecution/Defence/Court Exhibits

(A) Prosecution

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- (B) DefenceNil
- (C) Court Exhibits.....Nil
- (D) Material ObjectsNil.

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
10.06.2026

Date of Judgment / Order	10.06.2026
Date of Reserving Judgment / Order	26.05.2026
Uploading Date	20.06.2026
Uploaded By	Amit Kumar (Data Entry Operator)