

Court of Addl. Sessions Judge-1-cum-Special Judge(Children Court), Munger

Present-Amit Ranjan Upadhyay, Addl. Sessions Judge-I-cum Special Judge (Children Court) Munger.

G.R. No. 02/2020/J.J.B. No.51/2020

Mahila P.S. Case No. 57 of 2019

State (Bishun Bind) Vs Prabhakar Kumar

DATE OF JUDGMENT: - 18th day of June 2026

**Court of Addl. Sessions Judge-I-cum
Special Judge(Children Court), Munger
DISTRICT : - MUNGER (BIHAR)**

P R E S E N T: **Amit Ranjan Upadhyay,
Addl. Sessions Judge-1-cum
Special Judge(Children Court)
Munger**

G.R. No. 02/2020/J.J.B. No. 51/2020

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INFORMANT	Bishun Bind , S/o Chandar Bind, At Mahkola, P.S. Haveli Kharagpur, District Munger.
REPRESENTED BY	Miss Gauri Kumari Ld. Special Public Prosecutor.
ACCUSED	C.I.C.L. Age 22 yrs. S/o Late Anuplal Bind, At Mahkola, P.S. Haveli Kharagpur, District Munger.
REPRESENTED BY	Sri Manoj Kumar Ld. Defence Counsel

Date of offence	27.11.2019
Date of FIR	21.12.2019
Date of Charge sheet	12.08.2020
Date of Framing of Charges	12.03.2021
Date of commencement of Evidence	17.03.2026
Date on which judgment is reserved	18.06.2026
Date of the Judgment	18.06.2026
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.	C.I.C.L.	01.07.2020	10.06.2021	366(A), 376 506 of the I.P.C. and Section 4/6 of POCSO Act	Acquitted	N.A	N.A

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J U D G M E N T

1. In this case the C.I.C.L. stands charged **u/sections 366(A), 376, 506 of the I.P.C and u/s 4/6 of the POCSO Act and facing the trial.**
2. As per the prosecution case, on 27.11.2019 at about 07.00 P.M. the C.I.C.L. kidnapped the minor daughter of the informant and sexually exploited her thereafter, on 15.12.2019 the daughter of the informant had been left her house by the inducement of the C.I.C.L. In the instance of written application filed by the informant, a case being Mahila P.S. Case No. 57/2019 has been registered and investigation has been started. The case of the C.I.C.L. has been sent to the J.J.B, Munger where his age has been assessed more than 16 years thereafter, this case has been sent to this Court on 02.09.2020 which has been received on 03.09.2020.
3. After completion of the investigation, the investigating officer has submitted **charge sheet No. 29/2020 dt. 12.08.2020 U/sections 366(A), 342, 376, 506 of the I.P.C. and Section 4 of POCSO Act** and on that basis, cognizance of offence has been taken by the Court of Ld. Exclusive Special Judge(POCSO Act), Munger on 25.02.2021 against the **C.I.C.L. and other co-accused persons** and the case of C.I.C.L. has been tried by this Court.
4. The case of the defence is total denial of the occurrence. Ld. Defence Counsel has submitted that the C.I.C.L. has falsely been implicated in this case due to village politics.
5. On **31.08.2021** the charge has been framed **U/sections 366(A), 376, 506 of I.P.C and Section 4/6 of the POCSO Act** and explained in Hindi to the **C.I.C.L** who pleaded not guilty and claimed to be tried. Thereafter, the prosecution has examined altogether three witnesses to substantiate its case.

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6. On 18.06.2026 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 the same day** the statement U/s 313 of the C.I.C.L. 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 ?*

FINDING

8. **In this case, prosecution has examined three witnesses in this case -**

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Fulbechni Devi	Other witness
2.	PW-2	Bishun Bind	Informant
3.	PW-3	Victim X	Victim of the Case

9. In this case, prosecution has not produced any documentary evidence.

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

11. The prosecution has examined three witnesses in this case. In course of adjudication, I would like to discuss the evidences adduced by the prosecution one by one. **PW-1 Fulbechni Devi** has stated in her examination-in-chief that she has no knowledge about the incident and the police had not recorded her statement thereafter, she has been declared hostile by this court on the request of Ld. Special P.P. In her cross-examination, she has stated that she has deposed before the Court voluntarily and the C.I.C.L. is her co-villager due to which she identified him. **PW2 Bishun Bind** has stated in his examination-in-chief that he is the informant of this case and the incident is of

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six-seven years earlier but he has not remember the day, date and the time of incident. He has also stated that the police had not recorded his statement thereafter, he has been declared hostile by this Court on the request of Ld. Special P.P. He has identified the C.I.C.L. In his cross-examination, he has stated that his daughter had gone to her grandmother's home. He has further stated that he alongwith his wife came from Punjab and when he found his daughter missing thereafter, he had lodged this case. He has also stated that the C.I.C.L. and his family members had not kidnapped his daughter and they did not misbehave with her. He has stated that he does not want to persue this case further and he has deposed before the Court voluntarily without any fear and pressure. He has further stated that he has identified the C.I.C.L. as he is his co-villager and he has no objection if the case be disposed. **PW3 Victim X** has stated in her examination-in-chief that the incident is of five-six years and she has not remember the time of incident. She has further stated that She had gone to her grandmother's house at Gobadda after quarreling with her brother and her father had not knowledge about it due to which he had lodged this case. She has statd that her statement u/s 164 of the Cr.P.C. was recorded upon which she had put her thumb impression. She has identified the C.I.C.L. present in the Court. In her cross-examination, she has stated that the police had not recorded her statement and this case was lodged by her father. She has further stated that neither the C.I.C.L. nor other F.I.R. named persons had misbehaved with her rather they are innocent. She has further stated that she had put her thumb impression on her statement u/s 164 of the Cr.P.C. and the same had not been narrated. She has again stated that the C.I.C.L. had not misbehaved with her. She has also stated that she used to come from her matrimonial house due to which she is facing problem. She has further stated that she has deposed before the Court voluntarily without any fear and pressure.

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Apart from production and examination of these three witnesses including informant of this case, Prosecution has failed to produce other charge sheeted witnesses including the medical officer and the investigating officer. This case is solely based on written application of informant of this case who has only stated that the incident occurred six-seven years earlier and he has not remember the day, date and the time of incident. Even, the victim has also not stated anything against the C.I.C.L. She has stated that she had gone to her grandmother's house which was not known to her father due to which he has lodged this case. After the completion of the investigation, the investigating officer has submitted charge-sheet u/s 366(A), 342, 376, 506 of I.P.C and Section 4 of POCSO Act against the C.I.C.L, cognizance of offence was taken in the same section on 25.02.2021 and the case has been sent to this Court for trial as the age of the C.I.C.L. has been assessed more than 16 years but below 18 years by the J.J.B, Munger. Charge was framed against the C.I.C.L. on 12.03.2021 and this court has issued summons against the prosecution witnesses which resulted into production of three witnesses including the informant and the victim of this case. It is hard fact that including the informant and the victim, none of the prosecution witnesses has supported the case. Even, victim has stated that she had gone to her grandmother's house and her father had not knowledge about it due to which he had filed this case. So, non supporting of informant and victim regarding prosecution case has made prosecution case doubtful and in this way prosecution has failed to prove the charges leveled against the C.I.C.L. 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 the **C.I.C.L.** not guilty **U/section 366(A), 376, 506 of I.P.C and Section 4/6 of the POCSO Act** and **acquitted** him by giving him the benefit of doubt. Since, the C.I.C.L. 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 18th day of June 2026.**

**(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
-cum-
Special Judge(Children Court)
Munger
18.06.2026**

**(Amit Ranjan Upadhyay)
Addl. Sessions Judge - I
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1.	C.I.C.L.	01.07.2020	10.06.2021	366(A), 376 506 of the I.P.C. and Section 4/6 of POCSO Act	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	Fulbechni Devi	Other witness
2.	PW-2	Bishun Bind	Informant
3.	PW-3	Victim X	Victim of the Case

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

Sl. No.	Witness No.	Witness Name	Witness Nature
N.A	N.A	N.A	N.A

(C) Court Witnesses.....Nil

LIST OF Prosecution/Defence/Court Exhibits

(A) Prosecution -Nil

(B) DefenceNil

(C) Court Exhibits.....Nil

(D) Material ObjectsNil.

**(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
cum-Special Judge(Children Court)
Munger
18.06.2026**

Date of Judgment / Order	18.06.2026
Date of Reserving Judgment / Order	18.06.2026
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