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Court of Addl. Sessions Judge-I, Munger

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

Sessions Trial No. 343/2024

Dharahara P.S. Case No. 61 of 2022

State (Manju Devi) Vs Vishal Kumar & other

DATE OF JUDGMENT: - 22nd day of May 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. 343/2024

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State (Manju Devi) Vs Vishal Kumar & other

DATE OF JUDGMENT: - 22nd day of May 2026

INFORMANT	Manju Devi W/o Labbu Das, At Shivkund Nishad Tola, P.S. Dharahra, District Munger.
REPRESENTED BY	Sri Anil Kumar Verma Ld. Additional Public Prosecutor.
ACCUSED	1. Vishal Kumar, age 26 yrs. S/o Omprakash Mahto, At Shivkund Nishad Tola, P.S. Dharahra, District Munger. 2. Gautam Kumar age 28 yrs. S/o Binod Sah, At Shivkund Nishad Tola, P.S. Dharahara, District Munger
REPRESENTED BY	Sri Binod Kumar Ld. Defence Counsel

Date of offence	07.04.2022
Date of FIR	07.04.2022
Date of Charge sheet	30.06.2022
Date of Framing of Charges	11.02.2025
Date of commencement of Evidence	20.06.2025
Date on which judgment is reserved	22.05.2026
Date of the Judgment	22.05.2026
Date of the Sentencing order, if any	Accused persons have been Acquitted.

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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.	Vishal Kumar	17.05.2022	17.05.2022	363 & 366(A) of the I.P.C.	Acquitted	N.A	N.A
2.	Gautam Kumar	17.05.2022	17.05.2022	363 & 366(A) of the I.P.C.	Acquitted	N.A	N.A

J U D G M E N T

1. In this case two accused persons namely **Vishal Kumar and Gautam Kumar** stands charged **u/sections 363/34 and 366(A)/34 of the I.P.C and facing the trial.**
2. As per the prosecution case, on 07.04.2022 at about 04.00 A.M. both the accused persons entered into the house of informant armed with pistol and kidnapped the minor daughter of informant and when the informant protested it, they slammed and threatened her. In the instance of written application filed by the informant, a case being Dharahara P.S. Case No. 61/2022 has been registered and investigation has been started.
3. After completion of the investigation, the investigating officer has submitted **charge sheet No. 111/2022 dt. 30.06.2022 U/sections 366(A)/34 of I.P.C.** and on that basis, cognizance of offence has been taken by the Court of **Ld. Judicial Magistrate-Ist class, Munger, Munger** on 18.01.2023 against both the accused persons namely **Vishal Kumar and Gautam Kumar.**
4. The case of the defense is total denial of the occurrence. **Ld. Defence Counsel** has submitted that the accused persons have falsely been implicated in this case due to village politics.

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5. On 11.02.2026 the charge has been framed U/sections 363/34 and 366(A)/34 of the I.P.C. and explained in Hindi to the accused persons namely **Vishal Kumar and Gautam Kumar** who pleaded not guilty and claimed to be tried. Thereafter, the prosecution has examined altogether five witnesses to substantiate its case.
6. On 15.04.2026 prosecution evidence has been closed and the record was fixed for recording of statement of the accused persons U/s 313 of the Cr.P.C. Thereafter, on 15.05.2026 the statement of the accused person U/s 313 was recorded in which he denied the allegations levelled against them.
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 five witnesses in this case -

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Manju Devi	Informant of this case
2.	PW-2	Sarita Devi	Other witness
3.	PW-3	Raja Kumar @ Raj Kumar	Other witness
4.	PW-4	Ganesh Das	Other witness
5.	PW-5	Victim X	Victim of this case

9. In this case, prosecution has produced one documentary evidence.

LIST OF DOCUMENT EXHIBITED:

Sr. No.	Exhibit No.	Description Of Exhibit
1.	Exhibit-P-1	Signature of witness Manju Devi on written application
2.	Exhibit-P-2	Signature of the victim on her statement u/s 164 of the Cr.P.C.

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10. No any oral or documentary Evidence produced on behalf of defence side.
11. The prosecution has examined five witnesses in this case. In course of adjudication, I would like to discuss the evidences adduced by the prosecution one by one. **PW-2 Sarita Devi, PW-3 Raja Kumar @ Raj Kumar and PW-4 Ganesh Das** have not supported the case of prosecution and they were declared hostile by this Court on the request of Ld. A.P.P. These witnesses have also denied to depose before Police. PW2 has stated in her examination-in-chief that she has not knowledge about the incident and the police has not enquired her about the incident and she was not present at her house at the time of incident and she has been declared hostile. She has identified the accused persons of this case but in her cross-examination, she has stated that the accused persons are her co-villagers due to which she identified them. PW3 has stated in his examination-in-chief that he does not know about the incident, his statement was not recorded by the police and he has been declared hostile. He has also failed to identify the accused persons of this case. In his cross-examination, he has stated that she is residing at Faridabad for earning his livelihood due to which she don't know who are Vishal Kumar and Gautam Kumar. PW4 has stated in his examination-in-chief that the informant is his bhabhi and the victim is his neice. He has further stated that he has no knowledge about the incident and the police has not recorded his statement. Thereafter, he has been declared hostile. He has claimed to identify the accused persons by seeing them. In his cross-examination, he has also stated that prior to 2022 he is residing at Delhi and earning his livelihood so, he has no knowledge about any incident of his village. PW1 has stated in her examination-in-chief that she is the informant of this case and the incident has taken place on 07.04.2022 at about 04.00 A.M, when she woke up, she found her victim daughter missing. She has also stated that she

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scolded her daughter in the night for study due to which she became angry and left her house. She has identified her signature on the written application. She has claimed to identify the accused persons by seeing them. She has stated in her cross-examination that the accused persons are her neighbourer and she had enmity with them due to which she named them in the F.I.R. on the basis of suspiscion. She has further stated that the police has not recorded her statement. She has also stated that during the course of searching she fuond her victim daughter at Dharahara Police Station and on asking she narrated her that she was going to her grandmother due to angry. PW5 who is the victim of this case has stated that prior night of the incident, she had been scolded by her mother due to which she went to her grandmother's house and when she came to know about the case lodged by her mother, she came to Dharahara Station from there police brought her police station and made recorded her statement u/s 164 of the Cr.P.C. She identified her signature on her statement u/s 164 of the Cr.P.C. and upon her identification, it has been marked as P-2. She has claimed to identify the accused persons by seeing them. She has stated in her cross-examination that her mother implicated the accused persons on the basis of suspiscion. She has also stated that there was an enmity between her mother and the accused persons due to which her mother falsely implicated them in this case. Even the victim has refused for her medical examination.

Apart from production and examination of these five witnesses including informant of this case, Prosecution has failed to produce other charge sheeted witnesses including the investigating officer and the medical officer. Due to absence of the investigating officer, formal F.I.R, charge sheet and place of occurrence have not been proved and marked as exhibit. Even Ld. Defence Counsel failed to get opportunity in contradict him regarding earlier statement of prosecution witnesses. Due to absence of doctor, medical report has also not been marked as exhibit. So, there are also

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latches of prosecution though sufficient time and opportunity has been given to the prosecution. This case is solely based on written application of informant of this case who has stated that prior to the incident, she had scolded her daughter for study due to which she left her house. She has also stated that she named the accused persons in the F.I.R as she had enmity with them. Victim of this case has also stated that she had been scolded by her mother due to which she left her house and went to her grandmother's house. After the completion of the investigation, the investigating officer has submitted charg-sheet u/s 366(A)/34 of I.P.C against the accused persons namely Vishal Kumar and Gautam Kumar, cognizance of offence was taken in same section on 18.01.2023 and the case was committed to the Court of Sessions on 19.11.2024 from where this case has been transferred to this Court on 09.12.2024. Charge was framed against the accused on 11.02.2024 and this court has issued summons, bailable warrants as well as Non bailable warrants against the prosecution witnesses which resulted into production of five witnesses including informant of this case. It is hard fact that none of the prosecution witnesses have supported the case, even three witnesses were clearly declared hostile by this Court on the request of Ld. A.P.P. It is strange that even the informant has not stated anything against the accused persons regarding commission of kidnapping of her daughter. She has only identified her signature on the written application. She has also stated that her daughter left her house and went to her grandmother's place as she had scolded her prior night of the incident. So, non supporting of informant and other witnesses regarding prosecution story has made prosecution case doubtful and in this way prosecution has failed to prove the charges leveled against the accused persons 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 Vishal Kumar and Gautam Kumar not guilty U/section 363/34 and 366(A)/34 of the I.P.C. giving them the benefit of doubt. Since, the accused persons are on bail, hence, their respective bailors are ordered to be discharged from the liabilities of their respective bail bonds and the accused persons are set at liberty forthwith.

Dictated & Corrected by me and pronounced in open court in

Presence of both side signed and sealed on 22th day of May 2026.

**(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
22.05.2026**

**(Amit Ranjan Upadhyay)
Addl. Sessions Judge - I
Munger
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Appendix
Form C

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

Sl. No.	Witness No.	Witness Name	Witness Nature
1.	PW-1	Manju Devi	Informant of this case
2.	PW-2	Sarita Devi	Other witness
3.	PW-3	Raja Kumar @ Raj Kumar	Other witness
4.	PW-4	Ganesh Das	Other witness
5.	PW-5	Victim X	Victim of this 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

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2.	Exhibit-P-2	Signature of the victim on her statement u/s 164 of the Cr.P.C.

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

(Amit Ranjan Upadhyay)
Addl. Sessions Judge- I
Munger
22.05.2026

Date of Judgment / Order	22.05.2026
Date of Reserving Judgment / Order	22.05.2026
Uploading Date	26.05.2026
Uploaded By	Ramlochan Singh (D.W. -cum-clerk)