



**IN THE COURT OF PRINCIPAL DISTRICT & SESSION JUDGE-
MUZAFFARPUR.**

**Civil Court, Muzaffarpur
District: Muzaffarpur.**

**Session Trial No. 211/2019
BRMZ010046412019**

(Arising out of Ahiyapur P.S.Case No.71/2016)

1. State of Bihar**Prosecution**

Versus

- 1. Prem Kumar Sah, aged about 40 years, S/o Manoj Sah @ Fakira Sah**
 - 2. Bipin Sah, aged about 35 years, S/o Rattan Sah**
 - 3. Pappu Sah, aged about 37 years, S/o Manoj Sah @ Fakira Sah**
 - 4. Rupa Devi @ Rina Devi, aged about 32 years, wife of Pappu Sah**
 - 5. Manoj Sah @ Fakira Sah, aged about 62 years, S/o late Brahmdeo Sah**
 - 6. Surekha Devi, aged about 60 years, wife of Manoj Sah @ Fakira Sah**
 - 7. Sunil Kumar, aged about 35 years, S/o Manoj Sah @ Fakira Sah**
- All resident of village-Chaturi Punas, P.S. Ahiyapur,
District-Muzaffarpur.**

Accused person

Name of P. S. : – Ahiyapur

FIR No. –71/2016

FIR u/s: 341, 323, 324, 313, 317 and 498(A)/34 of the Indian Penal Code

Committed on :- 23.03.2019

District: - Muzaffarpur.

Charges framed under : 323, 324, 313 and 498(A) of the Indian Penal Code.

Learned Counsel for the State: Sri Ajay Kumar , P.P.

Learned Counsel for the Accused: Sri Devarshi, Advocate.

DATE OF JUDGMENT: 14.07.2026

PRESENT: SHWETA KM. SINGH

J U D G M E N T

1. The prosecution has charged the accused namely, Prem Kumar Sah, Bipin Sah, Pappu Sah, Rupa Devi @ Rina Devi, Manoj Sah @ Fakira Sah, Surekha Devi and Sunil Kumar with offences punishable under sections 323, 324, 313 and 498(A) of the Indian Penal Code.
2. The prosecution story, in brief, is that marriage of complainant/informant Seema Kumari was solemnized with Prem Kumar Sah on 04.02.2015, according to Hindu rites and customs. She lived happily for 4-5 months but soon thereafter, her pregnancy was forcefully terminated by the accused husband and his family members. When she protested it, she was asked to get one katha land from her brother and a motorcycle and one lakh rupee for her husband's business. When she refused to do so, she was being subjected to different sorts of torture and cruelty, both mental and physical. She informed her brother about torture and cruelty meted out to her, on which, her brother came and persuaded the accused but they demanded 1 Kattha land, Rs.1 Lakh and a motorcycle. On 22.10.2015, accused persons attempted to set her on fire by sprinkling kerosene oil. She raised alarm and was saved on the interference of her neighbors. It is further alleged that in the morning of 23.10.2015, she was forcibly made to put her thumb impression on a blank stamped paper and ousted from the house, without any belongings.
3. Based on the complaint filed in court by Seema Devi, the police registered an FIR bearing Ahiyapur P.S.Case No.71/2016 against above named seven accused persons. After completion of investigation, the police submitted charge-sheet no.358/2017, dated 30.06.2017, u/ss 341, 323, 324, 313, 317, 498(A)/34 against all the above named seven accused persons. The offence punishable u/s 313

of the IPC was exclusively triable by the court of sessions, the case record was committed to the Court of Sessions vide order dated 23.03.2019. Thereafter charges were framed against the accused on 24.04.2019, u/ss 323, 324, 313 and 498(A) of the IPC, the same was read over and explained to the accused in Hindi, to which they pleaded not guilty and claimed trial.

4. During trial, the prosecution examined one witness as P.W.-1 Rajesh Kumar. No documentary evidence has been produced on behalf of prosecution.
5. It is pertinent to mention here that charge in this case was framed on 24.04.2019 but the prosecution examined only one witness till 30.04.2026, despite all steps being taken by the Court to secure their presence before the Court. Finally, prosecution evidence was closed vide order dated 09.06.2026 and the statements of accused persons u/s 313 Cr.P.C. recorded on 08.07.2026, wherein the accused denied the charges against them and claimed to be innocent. On the prayer of accused, defense evidence was closed on the same day and matter was posted for arguments.

ARGUMENTS ON BEHALF OF THE PARTIES:-

6. The learned Counsel appearing on behalf of the accused submitted that only one witness was examined on behalf of the prosecution and the testimony of the witness cannot be relied for the purpose of conviction, because of the inconsistency in his statements. The witness in his testimony says that the child was forcefully aborted by the accused husband and his family, but at the same time he says that the child was aborted before his sister was taken to the doctor and he does not know the date and time when his sister was taken to the doctor. Neither any document was produced on behalf of the prosecution to

establish the factum of forceful abortion by the accused persons, nor it was proved. Another leg of argument is that the prosecution even failed to examine the star witness of the case that is the victim herself, leading to adverse inference. So, the prosecution has failed to bring home the charges against the accused and prove its case beyond reasonable doubt.

- 7. Now the question that arises for determination before this court is, whether the prosecution has been able to prove its case beyond reasonable doubt and been able to bring home the charges levelled against the accused to attribute him with the culpability of the offence alleged.**

APPRECIATION OF EVIDENCE LED BY THE PROSECUTION AND THE LAW WITH RESPECT TO IT:

- 8. PW-1 Rajesh Kumar** in his examination-in-chief says, “Seema Devi is my younger sister. I got Seema Devi married to Prem Kumar Sah on 04.02.2015. At the time of marriage, my father had died. All the expenses of the marriage were borne by me. After marriage, my sister went to her in-laws' house. My sister lived properly in her in-laws' house for 05-06 months, after which her husband Prem Kumar told her to bring money to do business. My sister's husband used to beat my sister for money. Prem Kumar Sah, Fakira Sah, Pappu Sah, etc. also demanded money from me for business, so I gave them the money and told them to keep my sister properly now. My sister was 03-04 months pregnant and she was given an injection after which she suffered an abortion. Today the accused Prem Kumar Sah is present in the dock and the accused who are not present in the court today, I can recognize them.”

In his cross-examination, PW-1 says, “ my sister had given an

application at the police station. The case was filed on that very application. My statement was recorded in the court. No case was registered on the application that was submitted at the police station. I do not have information regarding the date on which this case was filed in the court. After receiving a notice from the court, I have come to testify today. I also do not remember the day, month, and year when I took my sister to the doctor. The abortion had taken place before we went to the doctor. My sister stayed in the hospital for two to three days. I told Daroga Ji that my sister came in an intoxicated state and I took her to the doctor for treatment. My sister regained consciousness after 03-04 hours. I do not have information about how many days after the treatment my sister filed the case. I do not remember the name of the doctor from whom I got my sister treated. I do not have information that a Panchayat was held and my sister received a sum of Rs.80 thousand from Prem Kumar Gupta and voluntarily agreed to live separately from him and said that there would be no relation of husband and wife between them and both will not force each other for anything. The Panchayat was held in Gram Panchayat Raj Abdul Nagar alias Madhopur”.

APPRECIATION OF EVIDENCE LED BY THE PROSECUTION AND THE LAW WITH RESPECT TO IT:

9. Now, in the facts of the given case, it is apparent from the testimony of the sole witness that the prosecution has not been able to bring home the charge against the accused. The prosecution has even failed to examine the victim of the case, who is the star witness and no plausible explanation has been given for the same. No piece of document has been put on record to establish the factum of abortion pleaded by the informant.

10. Accordingly, this court is of the considered opinion that the prosecution has not been able to prove its case beyond shadow of reasonable doubts. It seems judicious to give benefit of doubt to the accused in this case.

11. Thus, considering the aforementioned facts and discussions, this court had arrived on the following veritable conclusion:

- (i) Accused namely, Prem Kumar Sah, Bipin Sah, Pappu Sah, Rupa Devi @ Rina Devi, Manoj Sah @ Fakira Sah, Surekha Devi and Sunil Kumar stand acquitted of charges levelled against them.
- (ii) In compliance of Sec.437-A of the code of Criminal Procedure, the accused and their bailors/sureties would be discharged from their respective liabilities as to their bail bonds, after completion of 6 months here from.
- (iii) The office is directed to recall the processes issued against the accused in this case, if any.

The judgment was pronounced in the open court and read over to the parties present.

The judgment was typed and corrected by Me:

sd/-

**(Shewta Km. Singh)
Principal District& Sessions Judge,
Muzaffarpur.
(Dated 14th day of July, 2026)**