



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

Civil Court, Muzaffarpur

District: Muzaffarpur.

Session Trial No. 554/2025

(Arising out of Mushahari P.S.Case No. 57/2019)

(BRMZ010091352025)

1. State of Bihar

Prosecution

Versus

**1. Prem Kumar, aged about 28 years, S/o Shiv Narain Paswan
2. Sunil Paswan, aged about 30 years, S/o Shiv Narain Paswan
3. Shiv Narain Paswan, aged about 65 years, S/o late Laxan Paswan
(All resident of village–Manika Harikesh, P.S.Mushahari,
District- Muzaffarpur).**

Accused

Name of P. S. : – Mushahari

FIR No. –57/2019

FIR u/s: 363 and 366(A)/34 of the Indian Penal Code

Committed on :-12.06.2025

District: - Muzaffarpur.

Charges framed under : 366 of the Indian Penal Code.

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

Learned Counsel for the Accused: Sri Ramadhar Singh, Advocate.

DATE OF JUDGMENT: 20.04.2026

PRESENT: SHWETA KM. SINGH

J U D G M E N T

- 1.** The prosecution has charged the accused namely, (1) Prem Kumar (2) Sunil Paswan, both sons of Shiv Narain Paswan and (3) Shiv Narain Paswan, son of late Laxan Paswan with offence punishable under section 366 of the Indian Penal Code.

2. The prosecution story in brief is that in the night of 1st of March 2019, around 9.00 P.M., the informant's daughter was allegedly kidnapped by the accused namely Prem Kumar, Shivnarayan Paswan, Sunil Paswan and Raziya Devi, with intent to get her married to Prem Kumar. When the informant went to them, asking about her daughter, she was abused and asked to leave.
3. Based on the report of informant namely, Sunita Devi, the police registered an FIR bearing Mushahari P.S. Case No.57/2019, dated 02.03.2019, against the above named accused persons. After completion of investigation, the police submitted charge-sheet no. 152/2019, dated 25.09.2019, u/ss 363 and 366(A)/34 of the IPC against three accused persons namely Prem Kumar, Shiv Narain Paswan and Rajiya Devi and Sunil Paswan was not sent up for trial. The learned trial court by differing with the police report, took cognizance against all the above four accused persons. As Section 366(A) of the IPC was exclusively triable by the court of sessions, the case record was committed to the Court of Sessions vide order dated 12.06.2025. It is pertinent to mention here that accused Rajiya Devi died during pendency of the case and her name was expunged vide order 12.06.2025. Thereafter charge was framed against the accused on 15.07.2025, u/s 366 of the IPC, the same was read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed trial.
4. During trial, the prosecution examined two witnesses, namely Sunita Devi as P.W.-1 and Bhushan Paswan as P.W.-2. No documentary evidence has been produced on behalf of prosecution.
5. On request of the learned Counsel for the State, Sri Ajay Kumar, prosecution evidence was closed vide order dated 12.02.2026 and the statement of accused u/s 313 Cr.P.C. was recorded on 26.02.2026, wherein the accused persons denied the charge against them and claimed to be innocent. On the

prayer of accused, defence 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 the witnesses examined on behalf of prosecution, including the informant, have not supported the case of the prosecution and as such the prosecution has failed to bring home the charge against the accused persons and hence, could not 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 them with the culpability of the offence alleged.

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

8. PW-1 Sunita Devi (informant) in her examination-in-chief says, “I filed this case around 6 to 7 years back. It was dark when my daughter was taken and I had lodged the case on mere suspicion. The police had registered the case on my asking”.

In her cross examination, the witness says “all the accused are of my village and I do not know as to who took my daughter. It was on the asking of the people that I had named the accused and that the matter has been amicable settled.”

9. PW-2 Bhushan Paswan, (father of the informant) in his examination-in-chief says, “it has been seven years since the incident. My daughter had gone somewhere, and my wife got the case registered. The case was filed against Sunil, Prem and Shiv Narain, who had taken my daughter to my relative. At the time of occurrence, I was in Delhi and came once informed

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about the occurrence. When my daughter came, she said that she was with a relative and was not kidnapped by the accused.”

During his cross-examination, this witness says, “at the time of incident I was at Delhi and came after receiving the information. My daughter came back from the relative’s house. My wife had wrongly said that the accused persons had taken my daughter away. They did not wrong. My daughter is married and she stays outside and is not in a position to come.”

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

10. Now, in the facts of the given case, it is apparent from the testimony of the witnesses, especially PW-1 Sunit Devi (informant), who happens to be the mother of victim, who was allegedly kidnapped, that the prosecution has failed to bring home the charge against the above-named accused persons. She has categorically stated that her daughter was not kidnapped by the accused persons. Similarly, PW-2 Bhushan Paswan, who happens to be the father of victim, has also stated that his daughter was not kidnapped by the accused persons and that his daughter had gone to his relative’s place and his wife had wrongly filed the case.

11. Accordingly, this court is of the considered opinion that the prosecution has not been able to prove its case beyond shadow of reasonable doubts against the accused.

Thus, in light of the aforementioned facts and discussions, this court had arrived on the following veritable conclusion:

- (i) Accused persons namely, (i) Prem Kumar, (ii) Sunil Paswan and (iii) Shiv Narain Paswan 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 persons 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 20th Day of April, 2026)**