

Present:- Dhananjay Kumar Mishra.
Additional Sessions Judge-II, Patna
Patna the 4th day of June 2026.

Case No:- S.T. no. – 379 of 2002.

C. I. S. No:- 2635 of 2014.

(Arising out of Jakkanpur P.S. case no. - 87 of 2001.)

State (Through Daroga Pd. Rai.) Prosecution.
Versus.

**Dinesh Ram, aged about 50 years, S/o Jagdish Ram, R/o Muhalla-
Postal Park, P.S. – Jakkanpur, District- Patna Accused person.**

For the prosecution: - Sri. Arshad Hussain (A.P.P.)

For the defence: - Sri S.N. Singh, (Advocate)

Charge: - U/S 366A of I. P.C.

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	Name of the accused	Date of arrest	Date of release on bail	Offences charged with	Wheth- er Ac- quitted or con- victed	Sentence Imposed	Period of De- tention Under- gone during Trial for purpose of Sec- tion 428, Cr.P.C.
1.	Dinesh Ram	20.07.2 001	25.01.20 02.	366A of I.P.C.	Acquit- ted	-	-

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES:-

A. Prosecution

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RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1.	Satyendra Kumar	Eye witness.
2	Mahangu Rai	Eye witness
3.	Ramakant Mishra.	Eye witness
4.	Kaushalya Devi	Eye witness.
5,	Ram Pyari Devi@ Jaya Devi	Eye witness.
6.	Shyam babu Rai	Eye witness.
7.	Daroga Pd. Rai.	Informant
8.	Reena Kumari @ Rinki Kumari	Eye witness (Victim)
9.	Dr. Anila Sunil	Medical Witness.

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	-	-
-	-	-

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW-01	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

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Sr. No.	Exhibit Number	Description
1	P-1	Written report of informant.
2	P-2	Seizure list
3.	P-3	Medical examination report of the victim Reena Kumari.
4.	P-4	Statement of the victim recorded under the provision 164 of Cr. P.C.

B. Defence.

Sr. No.	Exhibit Number	Description

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1	-	-

D. Material Objects :

Sr. No.	Exhibit Number	Description
1	-	-

J U D G M E N T.

1. The above noted sole accused stands charge for inducing 12 years old informant's daughter Reena kumari to go with him to elsewhere with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit intercourse with him or with any other person punishable U/S 366(A) of the I.P.C. and accordingly he has been tried for the same offence.

2. The prosecution case according to written report (P-1) of the informant namely Daroga Prasad Rai (PW-7), in brief, is that on

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18.05.2001 at about 10.00 A.m. 12 years old informant's daughter Reena Kumari @ Rinku Kumari proceeded from her house to go to school who did not return till date. In this regard information was given to the Police station by the informant on the said date itself. Thereafter, the informant came to know from the nearby people that his daughter was taken away by the accused persons namely Santosh Ram, Mahesh Das, Pappu Kumar and Dinesh Ram (accused on trial) after alluring with intention to marry with her, as from the date of occurrence itself they all were missing. Search was made by the informant everywhere, but no trace was found. Some persons namely Ashok Singh, Madan Chandravanshi, Ramakant Mishra and Mahangoo Ram were the witnesses of the alleged occurrence.

3. On the basis of aforesaid written report of the informant an FIR bearing Jakkanpur P.S. Case No.87/2001 was registered on 25.05.2001 U/S 363, 366 I.P.C. against the four accused persons including the accused Dinesh Ram who is facing trial. After completion of investigation charge-sheet No.112/2001 dated 30.07.2001 was submitted U/S 363, 366 I.P.C. against the three accused persons namely Santosh Ram, Mahesh Das @ Mahesh Ram and Dinesh Ram showing the accused Pappu Ram @ Pappu Kumar absconder and accordingly cognizance was taken U/S 363, 366 I.P.C. against the above named all the three accused persons by the court of learned C.J.M. Patna vide order dated 30.07.2001 and in due course the case of the accused persons named above was committed to the court of Sessions Judge, Patna vide order dated 07.05.2002 from where the case record was transferred in various courts and ultimately to this court for trial and disposal.

4. Case of defence is that the alleged occurrence was not taken place on alleged date and time at alleged place of occurrence. Fact is that accused Santosh Kumar lived with his family in the same muhalla in which informant lives. Accused Santosh Kumar and

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Mahesh Das are own brothers and they belong to schedule cast and informant belongs to Yadav cast and they want to oust of the accused Santosh Kumar and his family members from the Muhalla and taking that matter they always harass to the accused persons and their family members and intended to compel them to get left the muhalla informant got lodged this false and fabricated case against the accused Santosh Kumar and Mahesh Das and Papu Ram and the said accused(who on trial). Accused Dinesh Ram resides in another Muhalla and he is friend of accused Santosh Ram and he always visits to the house of Santosh Kumar, due be friend of the accused Santosh Kumar he has falsely been implicated in the instance case. Neither he was seen taking away the informant's daughter nor victim was recovered in his custody. Fact is that informant's daughter fell in the love of accused Santosh Kumar and she herself left her house with her sweet will, neither the said accused induced the informant's daughter Reena Kumari to go to elsewhere with him or any person nor he kidnapped her. Thus, there is no involvement of the accused in taking away or in kidnapping of the informant's daughter. He is quite innocent.

5. Charge was framed for the offence punishable u/s 366(A) of the I.P.C. against the aforesaid three accused persons and charge was read over and explained in Hindi to them to which they pleaded not guilty and claimed to be tried. After framing the charge accused Santosh Ram and Mahesh Das became absent and they remained absent for very long time, due to which they were declared absconder vide order dated 27.11.2013 and on the same date their case record was also separated.

6. After closure of prosecution evidence statements of the above noted sole accused were recorded under the provision of section 313 Cr. P. C. in which he has denied all allegations as brought upon him by the prosecution witnesses in their evidences and he has further stated that he is quite innocent.

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7. Now, the only point arises for determination is as to whether the prosecution has been able to bring home the charge levelled against the accused on trial beyond shadow of all reasonable doubts?

FINDINGS

8. Heard arguments analogously and perused the case record, case record reveals that in order to substantiate the charge, the prosecution has examined altogether nine witnesses as named in witness column as above, during the examination-in-chief PW—7 has proved his written report and same was marked as Ext-P-1. He has also proved the seizure list and same was marked as Ext- P-2. PW- 9 has proved the medical examination report of the victim Reena Kumari and same was marked as Ext-P-3. Prosecution has also got marked exhibit of statements of the victim recorded by Judicial Magistrate First class under the provision of section 164 of Cr. P. C. No any other evidence except above noted either oral or documentary has been produced by the prosecution. Accused has also not produced any evidence either oral or documentary in his defence.

9. Now the evidences produced on behalf of the prosecution will be discussed for arriving on conclusion that whether prosecution has succeeded to prove the charge levelled against the accused person. To prove the charge prosecution has got examined altogether nine witnesses out of which PW-1 Satyendra Rai, PW-2 Mahangoo Ram, and PW-3 Ramakant Mishra are independent witnesses, they have not taken the name of the accused (who on trial) in their evidences. All of them have corroborated the case of the prosecution and stated in their evidences that alleged occurrence was taken place at about 10:00 A.M. on 18. 05. 2001.

10. PW-1 & 2 have deposed that on the alleged date and time of occurrence as above both the witnesses saw that Reena Kumari was going to her school and accused Santosh Kumar, Mahesh Das and another two unknown persons were also going following her. They

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have further deposed that on 25. 05. 2001 when they were at their house then they saw that crowd gathered and when they went there, they heard that accused Santosh has kidnapped the daughter of informant Daroga Prasad Rai. Another witness PW-3 has deposed that on 18. 05. 2001 he heard that daughter of Daroga Pd. Rai namely Rinki Kumari has disappeared then she was search but she remained traceless, during the searching he came to know that informant's daughter has gone with Santosh Kumar. Thereafter on 02.06.2001 she was found with Santosh Kumar at Jalaluddin Chak, which is situated in west from Khagaul.

11. Another witness PW-4 Kaushalya Devi, PW-5 Ram Pyari Devi, PW-6 Shyam Babu Rai and PW-7 Daroga Prasad Rai are family members of the victim. PW-4 & 6 are uncle and aunt of the victim and PW-5 & 7 are mother & father of the victim respectively and PW-8 is herself victim, out of which PW-4, 5 & 8 have not taken the name of the accused Dinesh Ram in their testimonies.

PW-4 has deposed that Reena Kumari is her niece who was kidnapped one years ago on 18th may When she was going to school. accused Santosh, Mahesh and Papu Ram, were going following her and ultimately they kidnapped her. She was searched but she remained traceless. She has further deposed that on 16th day of the occurrence she was recovered from Khagaul road. She has identified that docketed accused Santosh and Mahesh. Similarly, PW-5 who is mother of the victim has deposed that Reena Kumari is her daughter, who was kidnapped on 18. 05. 2001 when she was going to school, at that time she was 12 years old. She has further stated on the such day she had also gone with her daughter to get reached her and she saw that Santosh Ram, Mahesh and Papu along with an unknown person were going following her daughter. She did not return till 5:00 hours on that day, then she was searched but she remained traceless and in the course of searching she went to the house of Santosh and asked from his father about the accused person then his father replied that his son

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has done wrong. She has further state that on 16th day of the occurrence her daughter was recovered from Khgaul with Santosh Kumar. She has identified the docketed accused Mahesh Das. Thus, from the testimonies of the above witnesses it does not stand proved that the accused who is facing trial was with co-accused Santosh and Mahesh at the time of alleged occurrence and he has involved in kidnapping the informant's daughter.

12. Prosecution has also got examined Shyam babu Rai as PW-6 who is uncle of the victim, has deposed that Reena Kumari is her niece, who was kidnapped on 18. 05. 2001 at about 10:A.M when she was going to school with her mother, at that time he was at his Baramada, and he saw that Santosh , Mahesh, Papu and Dinesh were also going following her. On the such date his niece did not return till evening then her searching was started and during the searching he came to know that Santosh and others are also absconded. Thereafter on 02. 6.2001 her niece was recovered with Santosh from west of Khagaul, at that time he and father of the victim were also with police. He has identified the docketed accused persons. The such witness has been cross examined by the defence and during the cross examination he has stated that he had not seen the occurrence of kidnaping. Thus, from the testimony of the such witness it appears that he had only seen going the accused persons including Dinesh Ram behind his niece Reena Kumari following her when she was going to school. He has not whispered about the occurrence of kidnapping. He has not specifically alleged to the accused (who on trial) that he induced his niece to go with him and accordingly took away her.

13. Daroga Prasad Rai (informant) has been examined as PW-7, has deposed that occurrence is on 18. 05.2001 at about 10:00 A.M. at that time he was going to saloon from his house then he saw on road that his daughter was going to her school and behind her at about 20 steps away four boys Santosh Ram, Mahesh Ram, Papu Ram and Dinesh Ram were going. He has further stated that thereafter he went to his

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office and when he returned from his office in the evening he was narrated that her daughter did not return from school then she was searched but she remained tress less .Thereafter he was narrated by the near people including parents of Santosh Kumar that above named boys have kidnapped his daughter thereafter he got lodged this instance case by giving written report in the police station. During the examination-in-chief he has proved his written report stating that it is in his pen and signature and same was marked as Ext- P-1. he has further deposed that on 02.06. 2021 his daughter was recovered by the police from road at Jamaliddin Chak in his and his brother presence. He has further stated that seizure list was prepared there. During the examination-in-chief seizure list was shown to him, seeing the same he stated that seizure list was prepared in his presence and upon which he and his brother signed. He has identified the signatures and accordingly the same was marked as Ext- P-2. He has identified the docketed three accused persons.

The such witness has been cross examined by the defence and during the cross examination he has stated that he knew accused Dinesh Ram from 2-2-1/2 years ago from the occurrence. The said accused and his father work as mason. He has further stated that on 18. 05.2001 he had got recorded Sanha going to police station but in the said Sanha he did not get mentioned the names of the accused persons including Dinesh Ram. He has further stated that he got information from nearby people that accused persons as above named have kidnapped his daughter. He has further stated that he consumes seven- eight days to collect the correct knowledge about the occurrence thereafter he got lodged the instance case on 25. 05. 2001, but he has not disclosed the name of the person or people in his testimony from whom he got knowledge that accused persons including Dinesh Ram had kidnapped his daughter Reena Kumari. Thus, from the testimony of the witness it is clear that he had got lodged this case against the accused on the basis of suspicion or as heard by him and he has also

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deposed in this case as heard by him, hence he is hearsay witness therefore his evidence is not relevant under the provision of section 6 of evidence Act.

15. prosecution has also got examined the doctor who medically examined the victim as PW-9 has deposed that on 03. 06. 2001 she was posted as medical officer at Gardanibag hospital and on the such date victim Reena Kumari @ Rinku Kumari was brought by constable Manju Devi (constable no- 45061) and constable Chkradhari Yadav at about 11:20 A.M. and she was examined. She has further deposed that on physical examination found followings:-

Height- 4' 11"

weight – 35 Kg,

Teeth – upper – 14 & lower- 14.

Her breast was developed.

Axillary hair- coarse, black, well develop.

Pubic hair - Coarse, black, well develop.

She has further deposed that on Vaginal examination there was no injury found on her vulva, Hymen was found fractured, admits one finger in to her vagina. She has further stated that Vagina swab was taken and slide prepared and same was sent for histopathological examination to Micro biology department of P.M.C.H. She has further deposed that for determination of age of the victim x-ray of her both wrists, both elbows and pelvic is required and for which she was referred to department of Radiology, PMCH.

16. She has further deposed that x-ray and vaginal swab examination report of the victim was received from Radiology department and Micro biological department, PMCH vide emergency no – 1141 dated 03.06.2001 & registration no- 852 dated 0.06.2001 respectively. On perusal of the vaginal swab examination report spermatozoa not found and from x-ray report it was found followings :-

Both elbows A/p views- Fusion of the epiphysis of medial epicondyle of humerus and head of radius of both sides is seen.

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Both wrist A/P views- Incomplete fusion of the epiphysis of lower end of radius and ulna of both sides is seen.

She has further deposed that in females lower radial epiphysis fuses at 16-1/2 years and lower ulna at 17 years.

Pelvis A/p Views:- Incomplete fusion of the epiphysis of iliac crest of both sides is seen. In females it fuses at 17-19 years. She has expressed her opinion that age of the victim between 17 to 19 years. She has further deposed that the said injury report is in her pen and signature and same was marked as Ext-3. The such witness has been cross examined and in the course of cross examination she has stated that the reports received from Radiology department and Micro biological department, P.M.C.H. are not at present before her.

17. Accused person has been alleged that he induced to the victim Reena Kumari @ Rinku Kumari to go with him with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit intercourse with him or with any other person. To prove the charge prosecution has got examined altogether eight material witnesses, all witnesses have supported that 12 years old informant daughter Reena Kumari was taken away on 18. 05. 2001 but almost witnesses except PW- 6 &7 have not taken the name of the aforementioned accused Dinesh Ram. Victim of the case Reena Kumari has been examined as PW-8, she is sole eye witness of the occurrence but she has also not taken the name of the aforesaid accused. She has stated that on 18.05. 2001 at about 10:00 A.M. she was going to her school and four boys were coming behind her from Ashok Nager and when she reached at tempoo stand Kankerbag accused Santosh Ram started to tease her and he got boarded her in tempoo and thereafter she was taken away at Muzafferpur got aboard in bus. She has disclosed the name of boys as Santosh Ram, Mahesh Ram, and Pappu Ram. She has not disclosed the name of accused Dinesh Ram who is facing trial. From her evidence it does not disclose that she was induced by accused Dinesh Ram to go with him with

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intent that or knowing that it is likely that she will be forced or seduced to illicit relation and she was taken away by him. Another witness PW-1, 2,3, 4 & 5 have also not taken the name of the accused Dinesh Ram. PW-6 and PW-7 have stated in their evidences that they saw that when victim Reena Kumari was going to school four boys including the Dinesh Ram (accused on trial) were going behind her. They had only seen going of the said accused Dinesh Ram behind the victim Reena Kumari with another co-accused but they had not seen inducing the said accused person to the victim to go with him, they had also not seen taking away the victim by the accused person as above. Both of them have further stated that on 02. 6. 2001 victim was recovered with co-accused Santosh Kumar from Jalaluddin Chak, Khagaul road.

18. During course of argument the learned Counsel appearing on behalf of the defence has submitted that in this case informant Daroga Prasad Rai has been examined as P.W.7 has given contradictory statement. In his written application this witness has stated that he came to know from nearby people that his daughter was taken away by the accused persons named in the F.I.R. after alluring with intention to marry with her while in his deposition he has stated that on the alleged date and time of occurrence when he was returning from Salon then saw four boys namely Santosh Ram, Mahesh Ram, Dinesh Ram and Pappu were going 20 steps from behind her. During cross-examination in last line of Para-03 this witness has stated that he has stated firstly that he had seen the girl going to school and from her behind accused persons were going. The victim Reena Kumari in her deposition as well as in her statement recorded U/S 164 of the Cr.P.C. has not stated specifically against the accused Dinesh Ram facing trial. She in her deposition has not identified him as Dinesh Ram. Remaining witnesses examined in this case are either hearsay or family members of the victim Reena Kumari. There is no independent witness or eye witness examined in this case. I.O. has also not been

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examined in this case despite sufficient opportunity given by this court. Hence prayer has been made to acquit the accused.

On the other hand learned Addl. Public Prosecutor opposed the above submissions contending that this is a case of serious nature in which complicity of the accused facing trial cannot be brushed aside.

19. Thus, from the above discussed facts and circumstances it proves that informant's daughter was taken away but it does not stand prove that she was taken away by the accused Dinesh Ram. Such as, the charge levelled against the accused does not stand proved against the above sole accused person as above, therefore, he is entitled to be acquitted.

20. Having considered the above discussed facts and circumstances as well as the materials available on case record also in the view of evidences produced on behalf of the prosecution this court arrives on conclusion that prosecution has not succeeded to prove the charge levelled against the accused person beyond shadow of all reasonable doubts therefore above noted sole accused Dinesh Ram is acquitted from the charge of offence punishable u/s 366A of I. P.C. and he and his bailors are also discharged from the liabilities of their respective bail bonds.

Dictated and corrected by me,

Sd/=
(Dhananjay Kumar Mishra),
Addl.SessionsJudge-II,
Patna.
04.06.2026.

Sd/=
(Dhananjay Kr. Mishra),
Addl. Sessions Judge-II,
Patna.
04.06.2026.

Date of Judgment/order	04.06.2026
Date of Reserving Judgment/order	02.06.2026
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