

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

SAHARSA, DATED: 21.07.2026

PRESENT: DINESH SHARMA, PD&SJ, SAHARSA

The State of Bihar Vs. Saurabh Kumar

Session Trial No. 146/2025

[CIS (Reg.) No. 2020/2025]

FORM-A

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA, BIHAR	
<u>P R E S E N T:</u> DINESH SHARMA, PD&SJ, SAHARSA	
<u>DATE OF JUDGMENT: 21st July 2026</u> <u>Session Trial No. 146/2025</u> <u>CIS (Reg.) No. 2020/2025</u> <u>[Balwahat P.S. Case No. 116 of 2024]</u>	
PROSECUTION	STATE OF BIHAR [Through Neeraj Kumar Singh (Informant), S/o- Late Balbhadra Prasad Singh, resident of Village Bhotia, P.S. Balwahat, District-Saharsa].
REPRESENTED BY	Sri Krishna Murari Prasad, Ld. P.P for the State
ACCUSED	Saurabh Kumar aged about 24 years, S/o- Raghu Yadav Resident of Village Jarsain P.S. Sadar Saharsa District Saharsa
REPRESENTED BY	Sri Arun Kumar, Ld. Advocate

FORM-B

Date of offence	07-09-2024
Date of FIR	08-09-2024
Date of Charge-sheet	30-09-2024
Date of Framing of Charges	26-05-2025
Date of commencement of evidence	30-06-2025
Date on which judgment is reserved	21-07-2026
Date of the Judgment	21-07-2026
Date of the Sentencing order, if any	N/A

ACCUSED DETAILS:

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of section 428 Cr.P.C.
1.	Saurabh Kumar	Arrested on 12.09.2024 and granted bail by Hon'ble High Court vide order dated 30.04.2025	07.05.2025	U/s 137(2) of BNS	Acquitted	N/A	7 months 26 days

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution Witnesses, if any :

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RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Sima Kumari	Informant's wife
PW2	Neeraj Kumar Singh	Informant
PW3	Sanvi Kumari	Victim

B. Defence Witnesses, if any :

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

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYEWITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution Exhibits :

Sr. No.	Exhibit Number	Description
1	Exhibit – P-1/PW-3	Statement under section 183 BNSS of victim Sanvi Kumari.

B. Defence Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects :

Sr. No.	Material Object Number	Description
NIL	NIL	NIL

J U D G M E N T

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1. The accused named above stand charged with the alleged commission of offences punishable under Sections 137(2) and 96 of the Bhartiya Nyaya Sanhita, 2023 ('BNS' for short). Charges were framed and read over to the accused on 26.05.2025. The accused denied the charges and claimed trial.
2. The prosecution case, based on the written report of the informant, Neeraj Kumar Singh (PW-2), is that on 07.09.2024 at about 05:00 P.M. the victim left her house to purchase medicine from a nearby shop situated in the village. Earlier at about 9:00 A.M. the informant's daughter had informed him that she was suffering from stomach pain and required medicine. Her father advised that the medicine be brought in the evening and thereafter left for Bangaon Bazar for his work. When the informant returned home in the evening, his wife informed him that the victim had gone to the nearby shop at about 5:00P.M. to take medicine but she had not returned even after two hours. Thereafter, the informant searched for his daughter throughout the village and also contacted her friends. However, none of her friends disclosed where she had gone. The prosecution further alleges that a few days prior to the occurrence, mobile phone of the wife of Suresh Sah had been stolen and she had falsely accused the daughter of informant of the theft and had been threatening her, alleging that the victim had stolen her mobile phone. Upon the above allegations the present case was registered and investigation commenced.
3. Upon completion of the investigation, the police submitted a charge-sheet against the accused under Sections 137(2) and 96 of the 'BNS'. Cognizance was thereafter taken, and the case was committed to the Court of Session. Subsequently, the matter came to the files of this Court, where charges were framed on 26.05.2025. The accused person pleaded not guilty and claimed trial.
4. To prove the charges, the prosecution examined three witnesses and has also adduce some documentary evidence in support of the case which is mentioned in the table supra.
5. After closure of the prosecution evidence, the accused persons were examined by this Court under Section 313 of the Code of Criminal Procedure, 1973 (Cr.P.C.) / Section 351 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). He denied the incriminating evidence adduced by the prosecution and claimed innocence.
6. Heard the submissions of the Ld. PP for the State and the Ld. Counsel for the accused. The Ld. PP submitted that the prosecution witnesses have supported the case

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of the prosecution, therefore, the accused may kindly be held guilty of the offences charged.

7. On the other hand, the Ld. Counsel for the accused has submitted that the prosecution has failed to prove the charge of Sections under Sections 137(2) and 96 of the 'BNS' framed against the accused as the prosecution has utterly failed to prove that the accused was involved in the case. It is submitted that the accused person deserves to be acquitted.
8. Rival submissions considered. The record has been perused. Having heard the submissions of the parties and examined the record, the question that arises for consideration before this Court is whether the prosecution has proved its case beyond reasonable doubt. If so, the next question is what offence(s), if any, have been committed by the accused persons.
9. Out of the three witnesses examined on behalf of the prosecution, PW-1, Seema Kumari has supported the case of the prosecution to some extent, however, she has categorically stated in the examination in chief itself that her daughter had gone to the house of her friend. The prosecution did not get her declared hostile and has not cross examined her. In view of the above the testimony of PW-1 is binding on the prosecution that her daughter had gone to the house of her friend. In the cross examination, PW-1, has deposed that at the time of the incident the age of her daughter was 20 years. And has further deposed that her daughter is now has become the wife of the accused.
10. PW-2, Neeraj Kumar Singh, the informant of the case, has supported the case of the prosecution as to date and time of incident. Has further deposed that her daughter was recovered from the house of the accused. In the cross examination he has stated that he has not witnessed the incident with his own eyes and at the time of the incident the age of her daughter was 20-21 years. Has further deposed that her daughter has married to the accused. The analysis of the depositions of PW-1 and PW-2 shows that the accused has no role in the abduction of the daughter of the witnesses. The age of their daughter was more than 18 years at the time of incident as such no question arises of her kidnapping. It appears that the daughter of PW-1 and PW-2 had left her house voluntarily and married with the accused which is no offence under any provisions of law applicable in our country.
11. PW-3, is the alleged victim girl. She has deposed that the incident is of the year 2024. She has deposed that she used to talk with the accused and went with the accused to the house of one Tribhuwan and married with the accused on the next date. Her father

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lodged this case and she was recovered from the house of the accused. Her statement u/s 183 of BNSS was recorded and she had signed her statement and identified the same as exhibit-P-1/PW-3. In the cross examination she has deposed that her age was more than 18 years on the date when she had gone with the accused. She had gone voluntarily. A girl of more than 18 years of age is free to go with any person and marry with any person of her choice. She is not required to take permission of her parents. The testimony of PW-3 is not incriminatory. The statement recorded under section 183 of the BNSS is not substantive piece of evidence. No contents of exhibit-P-1/PW-3 can be read against the accused.

12. In view of the foregoing discussions and the findings recorded hereinabove, it is hereby held that the prosecution has utterly failed to prove and substantiate its case against the accused. Resultantly, the accused is hereby acquitted from all the charges framed against him.
13. The sureties are discharged from the liabilities of the bail bonds; however, the acquitted person shall furnish personal bond in the sum of Rs. 5,000/-with one surety in the like amount in terms of section 437A of the Cr.PC/ section 481 of the BNSS.
14. Announced today in open Court on this 21st day of July 2026. A copy of this Judgement be sent to DM, Saharsa.
15. File be consigned to record room as per rules.

Dictated and corrected by me.

Judgment delivered by

Sd/-

(DINESH SHARMA)

Principal District & Sessions Judge
Saharsa.
21.07.2026

Sd/-

(DINESH SHARMA)

Principal District & Sessions Judge
Saharsa.
21.07.2026

Date of Judgement/Order	21.07.2026
Date of reserving Judgment/Order	21.07.2026
Uploading date	17.08.2026
Uploaded by	Sachin Kumar