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In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar
Sessions Trial No. 37/2023
(Hirmma P.S. Case No. 45/2022)
State V/s Manju Devi
(CNR No. BRSO01-000760-2023)

FORM-A

In the Court of Principal Sessions Judge, Sheohar, Bihar Present:- Deepak Kumar, Principal Sessions Judge, Sheohar STr No- 37/2023 (Hirmma PS. Case No. 45/2022) GR. No.- 728/2022 CNR No.- BRSO01-000760-2023 Offence:- 363/34, 366 (A)/34 of I.P.C (Date of Judgment:- 23-07-2026)	
COMPLAINANT/INFORMANT	Banarsi Devi, wife of Bachchu Sah, resident of Village Dumma Hirauta, Ward No. 03, Police Station Hiramma, District Sheohar.
ACCUSED PERSONS	Manju Devi, aged about 50 years, wife of Rajmangal Sah, resident of Village Bangatahi, Police Station Hiramma, District Sheohar.
REPRESENTED BY COMPLAINANT/INFORMANT	Sri Suresh Roy, Learned Public Prosecutor.
REPRESENTED BY ACCUSED PERSONS	Mr. Naresh Kumar Sahni, Learned Advocate.

FORM-B

Date of offence	27-04-2022
Date of F.I.R.	03-05-2022
Date of Charge-sheet	C.S.-80/2022, Dated-15-09-2022
Date of Cognizance	07-01-2022
Date of Framing Charges	14-03-2023
Date of Commencement of Evidence	24-03-2023
Date of which judgment is reserved	21-07-2026
Date of judgment	23-07-2026
Date of the Sentencing order, if any	N.A.
Date of Amalgamate to Record	

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release or Bail	Offence Charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention during Trial for purpose of section 428 of Cr.P.C.

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1.	Manju Devi	23-07-2022	17-04-2023	U/s-363/34, 366(A)/34 IPC	Acquitted		
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FORM-C
LIST OF PROSECUTION/DEFENSE/COURT WITNESS

A. Prosecution :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
01.	Bachchu Sah	Prosecution Evidence No.-1 (Hostile Witness)
02.	Shyam Rai	Prosecution Evidence No.-2 (Hostile Witness)
03.	Sita Kumari	Prosecution Evidence No.-3
04.	Banarsi Devi	Prosecution Evidence No.-4 (Informant)

B. Defence Witness, if any ; -NIL

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

C. Court Witness, if any ; -NIL

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

LIST OF PROSECUTION/DEFENCE/COURTS EXHIBITS

A. PROSECUTION;-

SR. No.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit P-1 (P.W.-4)	The written application submitted by the informant, Banarsi Devi, before the Police Station.

B. DEFENCE

SR. NO.	EXHIBIT NUMBER	DESCRIPTION

C. COURT EXHIBITS ; NIL

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SR. NO.	EXHIBIT NUMBER	DESCRIPTION

D. MATERIAL OBJECTS ;

SR. NO.	MATERIAL OBJECT NUMBER	DESCRIPTION

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Present: Deepak Kumar
Principal Sessions Judge,
Sheohar

Sheohar Dated- 23rd July, 2026.
Sessions Trial No. - 37/2023
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CNR No. BRSO01-000760-2023

State

Vrs.

Manju Devi

Charge framed under
Sections- 363/34, 366(A)/34 IPC

Learned Lawyer for the State:- Sri Suresh Roy, Ld. P.P.

Learned Lawyer for the defence:- Mr. Naresh Kumar Sahni , Learned Advocate.

JUDGMENT

1. The sole accused, Manju Devi, in the present Sessions Trial has been put on trial for the offences punishable under Sections 363/34 and 366A/34 of the Indian Penal Code (IPC).
2. The prosecution case, as disclosed in the First Information Report (FIR), in brief, is that the informant, Banarsi Devi, submitted a

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written application before Hiramma Police Station stating that on 27.04.2022 (Wednesday), at about 7:00 A.M., her daughter Kajal Kumari, aged about 17 years, was at home while she herself had gone to the Court at Sheohar for some urgent work. When she returned home at about 11:00 A.M., she found that her minor daughter Kajal Kumari was missing. She made inquiries from the neighbouring persons and, upon asking her younger daughter Sita Kumari, she was informed that (1) Manju Devi, wife of Rajmangal Sah, (2) Rekha Devi, wife of Mahendra Sah, and (3) Seema Devi, daughter of Rajmangal Sah, all residents of Village Bangatahi, Police Station Hiramma, District Sheohar, had come to her house. After talking to Kajal Kumari for some time, they took her along with them to their house, where (4) Pradeep Sah, son of Rajmangal Sah, (5) Rajmangal Sah, son of Late Kapil Sah, and (6) Mahendra Sah, son of Budhan Sah, all residents of Village Bangatahi, Police Station Hiramma, District Sheohar, were also present. It has been alleged that all the aforesaid persons, acting in furtherance of their common intention, abducted her daughter Kajal Kumari with the intention of solemnizing her marriage with Pradeep Sah. It was further alleged that on the same day at about 10:00 P.M., calls were made from mobile numbers 6209484123 and 7632927192 to mobile number 9540459034, which

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remains with her son, and the caller threatened by saying, “Do whatever you want to do.” Sumit Kumar, son of Mahendra Paswan, a resident of the same village, had been facilitating conversations with her daughter Kajal Kumari through his mobile number 7634075618. It is further stated that the delay in submitting the written application occurred due to the continuous search for her daughter.

3. On the basis of the aforesaid written application, Hiramma P.S. Case No. 45 of 2022, dated 03.05.2022, was registered under Sections 363 and 366A/34 of the Indian Penal Code against the named accused persons, and investigation was taken up. Upon completion of investigation, the Investigating Officer kept the investigation pending against the FIR-named accused persons, namely (1) Rekha Devi, (2) Seema Devi, (3) Pradeep Sah, (4) Rajmangal Sah, (5) Mahendra Sah, and (6) Sumit Kumar, and submitted Charge-sheet No. 80 of 2022, dated 15.09.2022, under Sections 363/34 and 366A/34 of the Indian Penal Code, against the FIR-named accused Manju Devi, wife of Rajmangal Sah, resident of Village Bangatahi, Police Station Hiramma, District Sheohar. Upon perusal of the FIR, the charge-sheet, and the case diary, the learned Judicial Magistrate, First Class, Sheohar, finding a prima facie case under Sections 363/34 and 366A/34 IPC against the sole accused Manju Devi, took cognizance of

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the offences, and thereafter, by order dated 15.02.2023, directed that the case against the remaining accused persons, in respect of whom further investigation was pending, be separated from the present case. The records of the case were thereafter committed to the Court of the learned Sessions Judge.

04. In the present case, charge was framed on 14.03.2023 against Manju Devi under Sections 363/34 and 366A/34 of the Indian Penal Code (IPC). The charge was read over and explained to the accused to which she pleaded not guilty and claimed to be tried. Thereafter prosecution evidence was recorded. After closure of prosecution evidence on 22.11.2025, the statement of the above-named accused person was recorded on 21.01.2026 under Section 313 of the Code of Criminal Procedure. In his statement, she denied the occurrence and claimed himself to be innocent. Thereafter, on behalf of defence no oral or documentary evidence was produced. After closure of defence evidence case was put for argument on 16.07.2026

05. Now it has to be seen whether the prosecution has been able to prove the charges leveled against accused person Manju Devi namely beyond all reasonable doubt or not?

06. In support of its case, the prosecution examined four out of the six witnesses cited in Column No. 13 of the charge-sheet. They are: P.W.1

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Bachchu Sah , P.W.2 Shyam Rai , P.W.3 Sita Kumari, and P.W.4 Banarsi Devi.

07. The following documents were exhibited on behalf of the prosecution as documentary evidence:

SR. No.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit P-1 (P.W.-4)	The written application submitted by the informant, Banarsi Devi, before the Police Station.

08. No oral or documentary evidence was adduced on behalf of the defence.

09 . P.W.1 Bachchu Sah deposed in his examination-in-chief on oath that he had no knowledge whatsoever about the occurrence. He further stated that the Investigating Officer had never recorded his statement.

At the request of the prosecution, this witness was declared hostile.

In his cross-examination by the defence, he stated that he had voluntarily come to depose before the Court. He identified the accused Manju Devi as a resident of his village. He further stated that Hiramma Police Station is situated at a distance of about four to five kilometres from his house.

10. P.W.2 Shyam Rai deposed in his examination-in-chief on oath that he had no knowledge about the occurrence. He also stated that the

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Investigating Officer had not recorded his statement.

At the request of the prosecution, this witness was also declared hostile.

In his cross-examination by the defence, he stated that he had voluntarily appeared before the Court to depose. He further stated that accused Manju Devi belongs to his village and, therefore, he knows her. He also stated that he resides at his house.

11. P.W.3 Sita Kumari deposed in her examination-in-chief on oath that the occurrence had taken place about three years earlier. At about 11:00 A.M., while she was present in her house, three or four persons came and called her sister Kajal Kumari, who went away with them. She stated that she did not know the names of those persons, though she knew their house. When her mother returned home, she informed her that some persons had called Kajal Kumari and taken her away. She further stated that she had no knowledge of the matter thereafter and that her mother was aware of the subsequent events. She expressed her inability to identify the accused persons present in Court.

In her cross-examination by the defence, she stated that she had voluntarily come to depose. She further stated that her sister Kajal Kumari is presently residing with her husband. She categorically

stated that the accused Manju Devi had not come to her house to call her sister, nor had she taken her away. She further deposed that Manju Devi, the present accused, had not abducted her sister Kajal Kumari.

12. P.W.4 Banarsi Devi (the informant) deposed in her examination-in-chief on oath that the occurrence had taken place about three years earlier. At about 11:00 A.M., she was present in the Court. On returning home from the Court, she inquired from her younger daughter Sita about Kajal Kumari. Sita informed her that Kajal Kumari was not at home and that some persons had come and taken her away. Sita further told her that she could identify those persons and knew their house, but did not know their names. She stated that despite making a search, Kajal Kumari could not be traced. Thereafter, she went to the police station and lodged the case. She identified her signature on the written application submitted before the police, which was marked as Exhibit P-1. She also identified the accused present in Court.

In her cross-examination by the defence, she stated that she did not know what had been written in the application submitted at the police station. She further stated that she did not know who had drafted the application, and that the contents thereof had not been read over or explained to her before she signed it. She signed the

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application without reading it. She further deposed that she could not say who had taken her daughter away, as she had not personally seen anyone taking her daughter. She admitted that whatever the villagers had told her was incorporated in the written application. She further deposed that she had not seen the accused Manju Devi abducting her daughter and that Manju Devi had not abducted her daughter Kajal Kumari. She further stated that Kajal Kumari is presently residing with her husband. She also deposed that she resides at her house and occasionally goes outside for medical treatment.

FINDINGS

13. Learned Public Prosecutor, appearing on behalf of the prosecution, submitted that out of the four witnesses examined during the trial, two witnesses were declared hostile. The remaining two witnesses, namely the informant and her daughter, have categorically stated Kajol Kumari was abducted/ forcibly taken away. Thus offence has been committed.

14. During the course of arguments, learned counsel for the defence contended that the prosecution has examined only four witnesses in the present case, out of whom two were declared hostile by the prosecution. The remaining two witnesses are the informant herself and her younger daughter. Both these witnesses have also

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categorically deposed that they had not seen the sole accused on trial taking away the informant's daughter. The prosecution has utterly failed to establish the charges levelled against the sole female accused. Accordingly, it was prayed that the accused be acquitted of all the charges framed against her.

15. I have carefully considered the submissions advanced on behalf of both sides and have also gone through the materials available on the record as well as the evidence adduced by the prosecution. It appears that the prosecution has examined four witnesses before the Court, namely, P.W.1 Bachchu Sah, P.W.2 Shyam Rai, P.W.3 Sita Kumari, and P.W.4 Banarsi Devi (the informant). Out of them, P.W.1 Bachchu Sah and P.W.2 Shyam Rai were declared hostile by the prosecution.

P.W.1 Bachchu Sah, who is the husband of the informant and the father of the alleged victim, was declared hostile by the prosecution. In his examination-in-chief, he categorically stated that he had no knowledge whatsoever about the occurrence and that the Investigating Officer had not recorded his statement. In his cross-examination, he stated that he had voluntarily appeared before the Court to depose and that he knew the accused Manju Devi as she belonged to his village. Thus, the testimony of this witness does not bring on record any material fact relating to the alleged occurrence.

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Similarly, P.W.2 Shyam Rai, who was also declared hostile by the prosecution, deposed in his examination-in-chief that he had no knowledge about the occurrence and that the Investigating Officer had not recorded his statement. During his cross-examination, he stated that he had voluntarily come to depose before the Court and that he knew accused Manju Devi because she belonged to his village. Therefore, the evidence of this hostile witness also fails to disclose any material fact concerning the alleged occurrence.

P.W.3 Sita Kumari, the daughter of the informant and the younger sister of the alleged victim, was present in the house along with the victim at the relevant date and time of the alleged occurrence. In her examination-in-chief, she stated that the occurrence had taken place about three years earlier at about 11:00 A.M. She deposed that while she was at home, three or four persons came and called her sister Kajal Kumari, who thereafter went away with them. She stated that she did not know the names of those persons, although she knew their house. She further deposed that when her mother returned home, she informed her that some persons had taken Kajal Kumari away. She also stated that she had no further knowledge about the matter and that her mother was aware of the subsequent events. She further stated that she could not identify the accused persons.

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During her cross-examination, she categorically stated that she had voluntarily come to depose before the Court. Her sister Kajal Kumari was presently residing with her husband. Accused Manju Devi had neither come to call her sister nor taken her away from the house and Manju Devi, the accused facing trial, had not abducted her sister. Thus, the testimony of this material witness, who was the natural and eye-witness to the relevant events, does not reveal any circumstance indicating either the commission of the alleged occurrence by the accused or her involvement therein.

P.W.4 Banarsi Devi, the informant and the mother of the alleged victim, deposed in her examination-in-chief that the occurrence had taken place about three years earlier at about 11:00 A.M. At the relevant time, she was present in the Court. After returning home, her younger daughter Sita Kumari (P.W.3) informed her that some persons had come and taken Kajal Kumari away. She further stated that Sita could identify those persons and knew their house, though she did not know their names. She deposed that despite making a search, her daughter could not be traced, whereafter she went to the police station and lodged the case.

In her cross-examination, however, she admitted that she did not know who had drafted the written application submitted at the

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police station its contents had not been read over or explained to her before obtaining her signature and that she had signed the application without reading it. She further admitted that she could not state the name of the person who had taken her daughter away and that she had not personally seen anyone taking her daughter. She also admitted that the allegations made in the written application were based upon what the villagers had told her. Most significantly, she categorically deposed that she had not seen accused Manju Devi abducting her daughter and that Manju Devi had not abducted her daughter. She further stated that her daughter Kajal Kumari is presently residing with her husband. Thus, the testimony of the informant also does not disclose any cogent or reliable material establishing either the alleged occurrence or the involvement of the accused therein.

16. In view of the aforesaid evidence on record, this Court arrives at the conclusion that the prosecution has failed to bring on record any cogent, reliable, and convincing evidence to establish that the alleged occurrence was committed by the accused Manju Devi. No evidence has been adduced to connect the accused with the commission of the alleged offences. The prosecution has, therefore, failed to prove the charges levelled against the sole accused. Consequently, the accused is entitled to the benefit of doubt and deserves to be acquitted.

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18. Accordingly, the sole accused, Manju Devi, is hereby held not guilty and thus is acquitted of the charges punishable under Sections 363/34 and 366A/34 of the Indian Penal Code. The accused is discharged from the liabilities of her bail bonds, as well as those of her sureties stand canceled and discharged accordingly.

This judgment having been written, corrected, and signed by me, is pronounced in open Court today 23.07.2026

Dictated & Corrected

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
23.07.2026

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
23.07.2026

Date of Judgment	23.07.2026
Date of Reserving Judgment	21.07.2026
Uploading Date	23.07.2026
Uploaded By	Sanjeev Kumar, (Steno)