

In the Court of Deepak Kumar, Principal Sessions Judge, Sheohar
Sessions Trial No. -157/2023
(Sheohar PS Case No.-140/2022)
CNR No. -BRS001-004275-2023

State Vrs. Shubham Kumar & Others

FORM-A

In the Court of Principal Sessions Judge, Sheohar Present:- Sri Deepak Kumar, Principal Sessions Judge, Sheohar, <u>STr No.-157/2023</u> <u>Sheohar PS Case No.-140/2022</u> <u>GR No.-366/2023</u> <u>CNR No. -BRS001-004275-2023</u> State Vrs. Shubham Kumar & Others Offence:- U/s-363/34, 366/34 of I.P.C. (Date of Judgment:-13-04-2026)	
COMPLAINANT/INFORMANT	Ratnakar Kumar, S/o Brajkishor Singh, R/o village– Bisahi, PS+District–Sheohar.
ACCUSED	1.Shubham Kumar, S/o Vijay Kumar Gupta, aged about- 28 years 2. Gaurav Kumar, S/o Vijay Kumar Gupta aged about- 28 years 3. Priyanka Kumari, D/o Vijay Kumar Gupta aged about- 28 years 4. Vijay Kumar Gupta, S/o Late Babulal Sah aged about- 63 years 5. Usha Devi, W/o Vijay Kumar Gupta, aged about- 58 years All R/o village- Sarsaula Khurd, PS+District–Sheohar.
REPRESENTED BY COMPLAINANT/ INFORMANT	Sri Suresh Roy, Ld. Public Prosecutor
REPRESENTED BY ACCUSED PERSON	Sri Brajesh Kumar Singh, Ld. Advocate

FORM-B

Date of Offence	14.04.2022 to 15.04.2022
Date of F. I. R.	21.04.2022
Date of Charge sheet	Charge Sheet No.-99/2023, dated 30.04.2023

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Date of Cognizance	17.07.2023
Date of Framing Charges	21.11.2023
Date of Commencement of Evidence	02.08.2024
Date on which judgment is reserved	12.03.2026
Date of judgment	10.04.2026
Date of the Sentencing order, if any	NA

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence Charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention during Trial for purpose of section 428 of Cr.P.C.
01.	Shubham Kumar	11.04.2023	11.04.2023	U/s-363/34, 366/34 of IPC	Acquitted		
02.	Gaurav Kumar	06.01.2023	06.01.2023				
03.	Priyanka Kumari	06.01.2023	06.01.2023				
04.	Vijay Kumar Gupta	06.01.2023	06.01.2023				
05.	Usha Devi	06.01.2023	06.01.2023				

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS-

A. PROSECUTION :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
01.	Meena Devi	Prosecution Witness –01
02.	Ratnakar Kumar (Informant)	Prosecution Witness –02

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03.	Priya Devi	Prosecution Witness –03
04.	Dr. Rubi Kumari	Prosecution Witness –04

B. DEFENCE WITNESS, if any ; -

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–01	Signature of Ratnakar Kumar on the typed application.
02.	Exhibit–02	Statement of Priya Devi dated 22-04-2022.
03.	Exhibit–03	Photocopy of the injury report of Priya Devi (for identification).

B. DEFENCE ;

Sl. No.	EXHIBIT NUMBER	DESCRIPTION
-	-	-

C. COURT EXHIBITS ; NIL

Sl. No.	EXHIBIT NUMBER	DESCRIPTION
-	-	-

D. MATERIAL OBJECTS ;

Sl. No.	MATERIAL OBJECT NUMBER	DESCRIPTION
-	-	-

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Present: Deepak Kumar
Principal Sessions Judge,
Sheohar
Sheohar Dated-13th April, 2026.

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State

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Charge framed under Section-
363/34, 366/34 of the Indian
Penal Code (IPC)

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

Learned Lawyer for the defence:- Sri Brajesh Kumar Singh.

JUDGMENT

1. In the present case, five accused persons namely, Shubham Kumar, Gaurav Kumar, Priyanka Kumari, Vijay Kumar Gupta and Usha Devi have been put on trial for offences punishable under Sections-363/34, 366/34 of the Indian Penal Code (IPC).

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2. The prosecution case, in brief is that on 14.04.2022, at about 11:00 PM, the informant went to sleep while watching television along with his wife, Priya Devi. At about 03:00 AM in the night he woke up after hearing the sound of a vehicle. Upon coming outside, he saw that accused persons namely, Shubham Kumar, Gaurav Kumar, the sister of Shubham Kumar, wife of Vijay Kumar Gupta, and Vijay Kumar Gupta, forcibly took away his wife Priya Devi in a Bolero vehicle. The informant has expressed suspicion that the aforesaid accused persons have kidnapped his wife with the intention of committing murder, trafficking, or compelling her to marry. It is further stated that the informant made extensive efforts on his own to trace his wife Priya Devi but could not find any clue regarding her whereabouts. Being left with no other option, he submitted the said written report before the police authorities.

3. On the basis of the written application of the informant, Sheohar PS Case No. 140/2022 dated 21.04.2022 was registered under Sections 363 and 366/34 of the IPC, and investigation was commenced. Upon completion of the investigation, the Investigating Officer, in compliance with the order of the superior authority,

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submitted Charge-sheet No. 99/2023 dated 30.04.2023 under Sections 363 and 366/34 of the IPC against all the five accused persons named in the First Information Report, namely, Shubham Kumar, Gaurav Kumar, Priyanka Kumari, Vijay Kumar Gupta and Usha Devi. Thereafter, the learned Chief Judicial Magistrate, Sheohar, after perusing the FIR, the charge-sheet, and the case diary, and upon consideration of the materials available on record, took cognizance of the offence on 17.07.2023 against the aforesaid five accused persons under Sections 363 and 366/34 of the IPC, finding that a prima facie case was made out against them.

04. In this case, charge under Sections-363, 366/34 of the IPC were framed against the accused persons namely, Shubham Kumar, Gaurav Kumar, Priyanka Kumari, Vijay Kumar Gupta and Usha Devi. The charges were read over and explained to them in Hindi, to which the accused pleaded not guilty and claimed to be tried.

05. The statement of the five accused namely, Shubham Kumar, Gaurav Kumar, Priyanka Kumari, Vijay Kumar Gupta and Usha Devi were recorded under Section-313 of the Code of Criminal Procedure

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on 20.02.2026. In the statement, the aforesaid five accused denied the occurrence and claimed to be tried.

06. The principal question for consideration before the Court is whether the prosecution has been successful in proving all the charges framed against the aforesaid five accused beyond all reasonable doubt by leading reliable and cogent evidence, or not.

07. On behalf of the prosecution, in support of its case, out of the six witnesses listed in Column No. 13 of the charge-sheet, total four (04) witnesses have been examined. PW-01 – Meena Devi, PW-02 – Ratnakar Kumar (Informant), PW-03 – Priya Devi and PW-04 – Dr. Rubi Kumari.

08. In order to prove its case, the prosecution has exhibited the following documents, which are marked as under:

A. PROSECUTION:-

Sr. No.	EXHIBIT NUMBER	DESCRIPTION
01.	Exhibit-01	Signature of Ratnakar Kumar on the typed application.
02.	Exhibit-02	Statement of Priya Devi dated 22-04-2022.
03.	Exhibit-03	Photocopy of the injury report of Priya Devi (for identification).

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No oral or documentary evidence has been produced on behalf of the defence.

09. PW-1 – Meena Devi, has stated that the occurrence took place about two years and three months ago at about 3:00 AM. At that time she was sleeping in her house. On hearing the sound of a vehicle, she woke up and saw that Shubham, Shubham's sister, Vijay Gupta, the wife of Vijay Gupta and Gaurav were together forcibly making her daughter-in-law Priya Devi sit in a Bolero vehicle. They raised alarm, but by the time they reached the spot, the vehicle had already left. In her cross-examination by the defence, the witness stated that she cannot tell the distance between her house and the police station. The information about the occurrence was given by her son after seven days of the incident when no information about the victim had been received. The road from her village to Sheohar is broken and in a dilapidated condition. Around her house are the houses of Kameshwar Singh and Ashok Singh. To the north of her house is the house of Ashok Singh, to the south is the house of Kameshwar Singh, to the east is the closed house of the three sons of Jotnarayan Singh; and to the west is the house of Hari Singh. Her house is a brick-built pucca

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house with a roof, having a door and brick walls. She further stated that before they could come out of the house, the accused persons had already fled away with her daughter-in-law. She had raised hue and cry at the time of the alleged abduction of her daughter-in-law, but no one from the neighbourhood came on hearing the alarm. She has no enmity with the accused persons. She denied the suggestion that she had not stated before the police that she woke up on hearing the horn of the vehicle.

10. PW-02 – Ratnakar Kumar, has stated in that he is the informant of the present case. The alleged occurrence took place on 14-04-2022 at about 9:00 PM. At that time he was at his house along with his wife Priya Devi, while his parents had gone to his maternal uncle's house. At about 9:00 PM, there was a quarrel between him and his wife over some issue. Thereafter he scolded her and went to sleep. When he woke up in the morning, she was not present in the house and had gone somewhere without informing him. He searched for her here and there, and during that time various rumours started circulating in the village. Later, someone from the village gave him a typed application, which he signed and submitted at Sheohar Police Station. The said

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typed application is the same document bearing his signature, which he identifies. Subsequently, his wife came to the police station along with her father and informed that due to the quarrel between them she had gone to the house of her friend without informing him. Thereafter he realised that he had lodged the case under a misunderstanding. He further stated that he does not know the accused, in the court the accused Vijay Kumar is present, but the witness, after seeing him, stated that he does not recognize him. His wife Priya Devi is presently living with him in his house. The investigating officer had not recorded his statement. On the request of the prosecution, this witness was declared hostile. In his cross-examination by the prosecution, the witness stated that it is not true that he had given a statement before the police and had mentioned in the typed application that at about 3:00 AM, he came out of his house on hearing the sound of a vehicle and saw that Shubham Kumar, Gaurav Kumar, the sister of Shubham Kumar, Vijay Kumar and the wife of Vijay Kumar together forcibly made his wife Priya Devi sit in a Bolero vehicle and fled away. He also denied that he had expressed suspicion that those persons had taken away his wife with the intention of killing, trafficking, or compelling her to marriage. He further denied the suggestion that he

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has compromised with the accused persons and is concealing the truth of the occurrence and is refusing to identify them. In his cross-examination by the defence, he stated that his wife had not been kidnapped. His wife is living with him. The case was filed due to a misunderstanding. He had signed the application without reading it. He does not remember who had given him the typed application. His father is mentally unsound and has gone somewhere in a disturbed mental condition. At the time when his wife had left the house, his mother was also not present in the house as she had gone to her parental home.

11. PW-3 – Priya Devi, has stated that the incident took place on 14-04-2022 at about 9:00 PM. Her mother-in-law was not at home at that time, rather, she had gone to her parental house. She had a quarrel with her husband over some issue. After that, her husband went to sleep. Later, without informing anyone, She went to the house of her friend Pallavi Kumari. She do not know against whom her husband filed the case. When she came to know about the case, she came to the police station with her father and clearly stated that she had not been kidnapped. After that, she returned to her husband's house. At present,

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she is living in her husband's house. Her statement was not recorded before the police. On the request of the prosecution, this witness was declared a hostile witness. During the cross-examination by the prosecution, the witness stated that it is not true that Sub-Inspector Shachi Kumari had recorded her statement and that she had read and understood it before putting her signature on it. However, the signature appearing on the said statement is her, which she recognizes. It is also not true that she had given a statement before the police stating that on 14-04-2022 at about 11:30 PM, when she had gone to fetch water from the hand pump, Shubham Kumar, Gaurav Kumar, Priyanka Kumari, and Vijay Kumar's wife were standing there with a four-wheeler vehicle. It is not true that Shubham Kumar shut her mouth, forced her into the vehicle, and took her away from there. It is also not true that he then took her to Odisha by train to her maternal relative's house. It is further not true that on Tuesday Shubham's parents reached Odisha and that on Thursday they brought her back from Odisha and on 22-04-2022 left her near the Sheohar Post Office in a vehicle of an unknown person, after which she went to Sheohar Police Station with her father and gave a statement. She also stated that she does not identify the accused persons. During the cross-

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examination conducted by the defence, the witness stated that she does not go outside the house. She does not know all the people of Bisahi village. No one had kidnapped her. Her husband had filed the case due to a misunderstanding. At present, she is living with her husband. Her father-in-law is mentally unstable, and therefore he has left the house and gone away. At the police station, the police had taken her signature on a blank paper.

12. PW-4 – Dr. Rubi Kumari, has stated that on 23.04.2022 she was posted as a Specialist Medical Officer in Sadar Hospital, Sheohar and that day at about 11:00 A.M. she examined Priya Devi. She was assigned the work to examine the victim for pregnancy checkup and her findings are as follows:- Victim has refused her medical examination, therefore no opinion could be recorded as regard her age and recent sexual activity or presence of any injury on her person. Photocopy of original injury report of Priya Devi was prepared by her on the computer set maintained at the hospital whereof the printout was obtained by the printer maintained in the office which she identify.

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In Cross examination on behalf of defence she deposed that the victim girl was accompanied by her father at the time of her examination. Since the examination was refused by victim therefore she could not record presence or absence of injury on her person.

13. After closure of prosecution evidence and statement of accused under Section 313 of Code of Criminal Procedure the case was fixed for defence evidence. Defence did not produce any evidence as such defence evidence was closed on 27.02.2026 and the case was fixed for argument. In examination under Section 313 of Code of Criminal Procedure on 20.02.2026, the accused have said that they have heard the evidence of witnesses and it is false to say that they were involved in the occurrence. In defence they have said that he is innocent.

FINDING

14. From the above mentioned evidence which has come on record during the course of trial now it is to be decided whether the accused have committed the offence and the prosecution has been able to prove its case against the accused beyond all reasonable doubt.

15. On behalf of the prosecution, the learned Public Prosecutor also submitted that P.W. 01 Meena Devi who is mother-in-law of the

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victim has clearly stated in evidence that accused persons forcibly took away her daughter-in-law from the house. Thus accused person are involved in the charged offence. She is also eye witness to the occurrence.

16. During the course of arguments in the above-mentioned case, the learned counsel for the defence submitted that out of the total four witnesses examined in the court by the prosecution, two witnesses, namely P.W.-02 Ratnakar Kumar and P.W.-03 Priya Devi were declared hostile by the prosecution. Both of these witnesses did not support the occurrence in any manner. P.W.-01 Meena Devi, who is the mother of the informant in the present case, also did not identify the accused persons during her examination. P.W.-04, who is a lady doctor and who had medically examined the victim in the present case, also stated in her testimony that the victim had refused to undergo the medical examination. Thus, the prosecution has completely failed to prove the charges levelled against the accused persons. Therefore, it is prayed that all the accused persons be acquitted of the charges in the present case by giving them the benefit of doubt.

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17. After hearing the arguments of both sides, examining the evidence available on record and considering the statements of the witnesses produced by the prosecution, it appears that out of the total four witnesses examined before the Court by the prosecution, two witnesses, namely P.W.-03 Priya Devi (victim) and P.W.-02 Ratnakar Kumar (the informant of the present case and husband of the victim) were declared hostile by the prosecution. These two witnesses have not supported the prosecution case regarding the alleged occurrence and have also failed to identify the accused persons. The other witnesses examined are P.W.-01 Meena Devi, who is the mother of the informant and the mother-in-law of the victim and P.W.-04 Dr. Ruby Kumari, who is a medical witness.

P.W.-01 Meena Kumari (mother of the informant and mother-in-law of the victim) in her examination-in-chief has clearly stated that the occurrence took place about two years and three months earlier at about 3:00 AM, at that time she was sleeping in her house. Upon hearing the sound of a vehicle, she woke up and saw that all the accused persons were forcibly making her daughter-in-law Priya Devi sit in a Bolero vehicle. She further stated that she raised an alarm and

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by the time she reached there, the vehicle had already started moving, and she identified the accused persons. However, during cross-examination, this witness stated that the information about the occurrence was given by her son after seven days when no information about the victim had been received. Before the accused persons had taken away her daughter-in-law she had raised alarm but no neighbours came for rescue. She had no enmity with the accused persons. Thus, although this witness supported the occurrence and stated that she identified the accused persons, P.W.-02, who is the informant of the case and the son of P.W.-01, in his examination-in-chief clearly stated that the occurrence took place on 14-04-2022 at about 9:00 PM. At that time he was present in the house with his wife Priya Devi (P.W.-03), while his parents had gone to their maternal home. Even during cross-examination this informant witness clearly stated that when his wife went somewhere, his mother (P.W.-01 Meena Devi) was not present in the house as she had already gone to her parental home. P.W.-03 Priya Devi, who is the daughter-in-law of P.W.-01, also clearly stated in her examination-in-chief that her mother-in-law (P.W.-01 Meena Devi) was not present in the house and had gone to her parental home. Thus, from the statements of P.W.-02

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and P.W.-03, who are respectively the son and daughter-in-law of P.W.-01, it appears that their testimony contradicts the statement given by P.W.-01 regarding the occurrence. Therefore, the testimony of this witness (PW1 Meena Devi) becomes doubtful as to whether she was actually present at the place of occurrence, i.e., her house, at the relevant date and time of the alleged incident.

P.W.-02 Ratnakar Kumar (informant of the case and husband of the victim) has clearly stated in his examination-in-chief that the alleged occurrence took place on 14-04-2022 at about 9:00 PM. At that time he was present in the house with his wife Priya Devi, and his parents had gone to their maternal home. At about 9:00 PM, there was a minor quarrel between him and his wife regarding some issue, after which he scolded her and went to sleep. When he woke up in the morning, he found that his wife was not present in the house and had gone somewhere without informing him. He further stated that later, after coming to know about the case, his wife went to the police station with her father and told him that due to quarrel with her husband she had gone to her friend's house without informing him. He also did not identify the accused Vijay Kumar present in the Court

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and further deposed that his wife Priya Devi is presently living with him at his house.

P.W.-03 Priya Devi (the victim) has also clearly stated in her examination-in-chief that after having a quarrel with her husband over some issue, she went to the house of her friend Pallavi Kumari without informing her husband after he had gone to sleep. She stated that she did not know against whom the case had been lodged. After learning about the case, she went to the police station along with her father and informed them that she had not been abducted. Thereafter she returned to her husband's house and is presently residing with him. She also clearly stated that she was never abducted. Thus, the victim witness herself, on whose alleged abduction the present case against five accused persons is based, has not supported the prosecution case regarding the occurrence and has not identified the accused persons. Therefore, no such fact appears from the testimony of this victim witness which would indicate the involvement of the accused persons in the alleged occurrence of the present case.

18. After examining the statements of the witnesses, the Court reaches the conclusion that the accused namely, Shubham Kumar,

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Gaurav Kumar, Priyanka Kumari, Vijay Kumar Gupta and Usha Devi did not commit the incident. The prosecution has failed to prove the charge framed against the above five accused beyond all reasonable doubt. The informant and the victim have not supported the charged offence against the accused persons.

19. In the result, the accused Shubham Kumar, Gaurav Kumar, Priyanka Kumari, Vijay Kumar Gupta and Usha Devi, are acquitted by the court for charged offence under Sections-363/34, 366/34 of the Indian Penal Code. Accordingly, they are released, and all the accused and their sureties are discharged from the liabilities of their bail bonds.

The judgment having been dictated, corrected and signed by me is pronounced in the open Court today on 13.04.2026.

Dictated and corrected by me.

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 13.04.2026

Sd/-
(Deepak Kumar)
Principal Sessions Judge,
Sheohar
Dated: 13.04.2026

Date of Judgment
Date of Reserving Judgment
Uploading Date
Uploaded By

13.04.2026
10.04.2026
13.04.2026
Sanjeev Kumar, (Steno)