

FORM A

IN THE COURT OF 1st Addl. Sessions Judge, Saran at Chapra Present: Syed Mohammad Fazlul Bari, 1st Addl. Sessions Judge Date of Judgment: 9th of June, 2026 Sessions Trial No. - 646/2021 Marhowrah P.S. Case No. 285/2021 u/ss. 363, 366, 493, 376 of I.P.C.	
Informant	STATE Tarkeshwar Sah s/o Hasuni Sah, Village ,Marhaurah Khas ward no. 16 P.S. Marhowrah, Saran.
Represented by	Sri D.K. Singh , Addl. P.P. for the State
Represented by	Sri L.B. SINGH Ld. Advocat for accused person

FORM B

Date of offence	17.5.2021
Date of FIR	21.5.2021
Date of charge-sheet	9.11.2021
Date of framing of charge	12.7,2022
Date of commencement of evidence	23.7.2025
Date on which judgment is reserved	6.6.2026
Date of judgment	9.6.2026

Accused Details

Sessions Trial No. 646/2021 Decided on 9.6.2026 SMF BARI,
1st Addl. Sessions Judge, Saran

Rank of the accused 1	Name of accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during trial for the purpose of Section 428 Cr.P.C.
A-1	1. Vikash Kumar, re/o Phenahara, P.S. Taraiya, Dist. Saran.		--	u/ss. 366, 493 and 376 of I.P.C.	Acquitted	--	--

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

PROSECUTION

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESSES, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Kamlesh Kumar Sah	Hostile witness
P.W. 2	Priti Devi	Hostile Witness
P.W. 3	Akhilesh Kumar	Hostile witness
P.W.4	Munna Sah	Hostile witness
P.W. 5	Rita KUmari	Victim
P.W. 6	Tarkeshwar Sah	Informant and hostile witness

DEFENCE WITNESSES, if any:

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

COURT WITNESSES, if any:

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

FORM D

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. PROSECUTION

Sr. No.	Exhibit Number	Description
1	P-01/P.W. 5	Signature on statement of 164 of Cr.P.C.
2	P-02/P.W. 6	Signature of witness on written application.

B. DEFENCE

Sr. No	Exhibit Number	Description
NIL	NIL	NIL

C. COURT EXHIBITS

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

J U D G M E N T

1. Above named bove named accused namely Vikash Kumar is facing trial for the offences punishable u/ss. 363, 366, 493 and 376 of I.P.C.
2. **Brief Facts:-** FIR of this case has been registered on the basis of written application of the informant Tarkeshwar Sah that on 17.5.2021 at about 10 O'clock his minor grand daughter namely Rita Kumari had gone to marke but when she did not return back home till late hour, the informant along with his family members started searching her and in that course, they came to know that the accused Vikash Kumar was seen taking the victim on his motorcycle. The informant reqached to the house of accused Vikash Kumar at Phenahra, Taraiya, but the accused threatened him and ousted from his house. Further, the informant raised doubt that accused Vikash Kumar has kidnapped the daughter of informant namely Rita Kumar aged about 17 years for the purpose of marriage.
3. After investigation, the Police submitted charge-sheet against the sole accused namely Ganesh Rai u/s 366, 493, 376 of I.P.C.

CHARGE:

4. Charges have been framed against the above named sole accused for the offences punishable under Sections 366, 493, 376 of I.P.C. The contents of the charges were read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

PROSECUTION EVIDENCE:

5. The prosecution, during the course of evidence, has examined six witnesses namely P.W. 1 P.W. 1 is Kamlesh Kumar Sah, P.W. 2 Priti Djevi, P.W. 3 is Akhilesh Kumar, P.W. 4 is Munna Sah, P.W. 5 is Rita Kumari, victim of the case and P.W. 6 is Tarkeshwar Sah informant of the case.
6. After recording the evidence of the prosecution, the accused person was examined under Section 313 of Cr.P.C. When the accused was briefed on all the incriminating evidence and documents. Further, he pleaded his innocence and false implication in this case.
7. Defence neither leaded any evidence in this case nor filed any document.

ARGUMENTS:-

ON BEHALF OF PROSECUTION:

8. Learned Public Prosecutor has argued that the prosecution witnesses have supported the prosecution case against the accused on material particulars. Hence, the accused should be held guilty and be punished accordingly.

ON BEHALF OF DEFENCE:

9. Learned counsel representing the Defence appeared and contended that there are several contradictions in the evidences of prosecution witnesses, the prosecution witnesses have not supported the prosecution case. He further added that the accused has falsely and wrongly been implicated in this case on the basis of a concocted story narrated by the informant. Hence, learned counsel for the accused has requested to release the accused from all the charges as the charges are not sustainable in the eyes of law.
10. I have heard learned Public Prosecutor representing the Prosecution as well as learned counsel representing the Defence. Now, the question for consideration is whether the prosecution has been able to prove the charges leveled against the accused. In this context, I proceed to examine the evidence brought on record.

FINDINGS

11. **Kamlesh Kumar Sah (P.W.1)** This witness has stated in his examination in chief that the victim is his sister. He further stated that he does not know that the police has recorded his statement or not. On request of prosecution this witness has been hostile. In his cross examination, this witness has stated that the accused is his relative hence he know him.
12. **Priti Devi (P.W. 2)** This witness has stated in her examination in chief that the victim is her Nanad. She further stated that the police has not taken her statement. On request of prosecution this witness has been declared hostile. IN her cross examination this witness stated that since the accused is in her relation hence she identify him.
13. **Akhilesh P.W.3)** This witness has stated in his examination in chief that the victim is his sister. He further stated that he does not know that the police has recorded his statement or not. On request of prosecution this witness has been hostile. In his cross

examination, this witness has stated that the accused is his relative hence he know him.

14. Munna Sah 9P.W.4). This witness has stated in his examination in chief that he knows nothing about the occurrence. Hence, on the request of prosecution, this witness has been declared hostile. In his cross examination this witness stated that Marhowrah P.S. is 2 kilometers away from the place of occurrence.
15. Rita Kumari P.LW. 5 (Victim of the case). This witness has stated that on the date and time of occurrence she with her own will has left her house Her father has filed this case. The police brought her from Masrakh and her statement u/s 164 of Cr.P.C. has been recorded in the Court, she identifies her signature on the statement which has been marked as Ext. 1. In her cross examination this witness has stated that the accused is her relation and she know her very well. She further stated that no body has kidnapped her.
16. Tarkeshwar Sah 9P.W. 6) This witness has stated in his examination in chief that he is the informant of this case and he has filed this case against the accused due to misunderstanding. He identifies his signature on the written application which has been marked as Ext. 2 On request of prosecution this witness has been declared hostile. IN his cross examination this witness has stated that the accused is his relation, hence he identifies him.

APPRECIATION OF EVIDENCES

17. Prosecution version in this case is that the accused Vikash Kumar has kidnapped the victim for purpose of marriage. Victim has been recovered.
18. Now, it has to be seen as to whether prosecution has been able to prove the charges as framed against the accused u/ss.366, 493 and 376 of I.P.C.
19. In this case, doctor and victim of this case not been examined in support of the prosecution case.
20. In this case, P.Ws 1, 2, 3,4, 5 and 6 have not supported the prosecution case and they were declared hostile by the prosecution. Prosecution was failed to produce medical evidence in this case. .
21. In this case, after analyzing all the evidences/depositions, I am of the view that there are several contradictions in the testimonies of witnesses and none of the witnesses has deposed stated that he has

seen the accused kidnapping the victim. P.Ws. 12 And 3 are relative to the informant, P.W. 5 is the victim and P.W. 6 is the informant. All the witnesses examined on behalf of the prosecution have not supported the case and they have been declared hostile on request of prosecution. Hence, I do not found them guilty u/s 366, 493 and 376 of I.P.C.

22. The one of the principle of criminal jurisprudence is that 'let a hundred guilty be acquitted, but one innocent should not be convicted'. Therefore, after considering the oral and documentary evidences available on record, arguments adduced by the prosecution and defence, this Court comes to the conclusion that the prosecution has failed to prove the charges against the above named accused namely Vikash Kumar and he is not been found guilty u/s 366, 493 and 376 of I.P.C. Hence he has been acquitted under these sections.

20. Accused and his sureties are discharged from his liabilities of bail bonds.

23. File be consigned to record room, as per rules.

(Dictated and corrected by me)

(Dictated)

Syed Md. F. Bari
Addl. Sessions Judge,
Saran at Chapra
9.6.2026

Syed Md. F. Bari 1st
1st Addl. Sessions Judge,
Saran at Chapra
9.6.2026