

SPECIAL POCSO Case no. 148/2021

***Present : Dinkar Kumar
Ex. Sp. Judge Rape & POCSO,
cum D.A.S.J. XXII cum
Civil Court, Patna.***

FORM A

**In, The Court of ADDL. SESSIONS JUDGE XXII cum EXCLUSIVE SPECIAL JUDGE
(RAPE AND POCSO Act) CIVIL COURT, PATNA**

***PRESENT: Shri Dinkar Kumar,
D.A.S.J. XXII cum Ex. Sp. Judge Rape & POCSO Act, Patna.***

Date Of Judgement – 6th day of July, 2026.

***Special POCSO Case no. - 148/2021
(Arising out of Athmalgola P.S. Case no. 15/2021)
(Details of FIR/Crime and Police Station)***

Prosecution	State of Bihar through X (informant).
Represented by	Sri Nawal Kishor Prasad (Sp. P.P.)
Accused	1. Sajjan Kumar @ Balamua @ Jena, S/o Ashok Rai sakin- Dakshini Chak, PS Athmalgola, Patna.
Represented by	Bablu Kumar

JUDGEMENT u/s 232 Cr.P.C.

1. The accused person is facing trial for an offense u/s 363/366A/376 IPC, 6 POCSO Act in connection with aforementioned case.
2. The instant record is running pending for prosecution evidences. However in the light of the order dated 22.09.2025 passed by Hon'ble Supreme Court of India in Special Leave Appeal (Cr.) no. 969/2025 (CBI vs Mir Usman @ Ara @ Mir Usman Ali) and communicated by order no. 20/2026 by the Office of Principal District and Sessions Judge, wherein all the Presiding Officers were directed to follow the directions/guidelines of the Hon'ble Court as mentioned :- (5) *The judicial officers also need to take into consideration the fact that if in a given case, the complainant/victim/injured becomes hostile, there is no need for insisting upon examinations of the I.O. or the Doctor as it is not going to yield any result, except wastage of precious judicail time, which may be utilised for disposal of other important cases."*
3. In compliance of the aforesaid directions, the prosecution evidence is hereby closed and the record is fixed for hearing u/s 232 Cr.P.C.
4. In the instant case, the prosecution has adduced the evidences.
 - (a) PW1 is the victim and she was declared as hostile witness in this case. She stated that she married with the accused out of her own free will and at the time of marriage she was merely 17 years. At the time of her recovery she was pregnant by 3 months.



- (b) PW2 (victim's father) : He stated that at the time of occurrence victim was 18 years old. She married with her own free will. No body saw her being taken by the accused. He has no complaints against the accused and his family.
5. I perused the entire evidence on record. I am of the considered opinion that there is no any iota of evidence on record against the accused concerning her minority. Hence the provisions of POCSO Act is not applicable against him.
6. Accordingly, in the instant case, it will be presumed that the accsued was major at the time of occurrence. Moreover she told that she married with the accused on her own will. Being a major she is free to marry any person of her own choice.
7. After considering the materials available on record, and hearing the parties concerned, I am of the considered opinion that the accused committed no offense and accordingly it is hereby

ORDERED

- (a) that the accused is acquitted u.s. 232 Cr.P.C. of the charges u.s. 363/366A/376 IPC and sec. 6 POCSO Act.
- (b) the accused person are already on bail. He is discharged of the liablities of the bail bonds and sureties.

(Typed and corrected by me)

Dinkar Kumar
6/7/26
(Dinkar Kumar)
Ex. Sp. Judge (Rape & POCSO) cum
D.A.S.J. XXII,
Patna.
Date: 06.07.2026.

[Pronounced in open court]

Dinkar Kumar
6/7/26
(Dinkar Kumar)
Ex. Sp. Judge (Rape & POCSO) cum
D.A.S.J. XXII,
Patna.
Date: 06.07.2026.

