

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44263 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- NATHNAGAR District- Bhagalpur

Ravish Kumar S/O Kailash Yadav R/O village - Gosaidaspur, P.S. -
Nathnagar, Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-10-2025 Heard Mr. Davendra Kumar Pandey, learned counsel

 appearing on behalf of the petitioner and Mr. Ajit Kumar,

 learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Nathnagar P.S. Case No. 433 of 2024 registered under
Section 96,3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner
along with his brother/co-accused namely Manish Kumar
forcibly kidnapped the victim with intention to marry and
specific allegation is against the said Manish Kumar that he
established illicit sexual relationship with the victim. The
alleged occurrence took place on 14.12.2024 and FIR lodged on
20.12.2024 and the victim finally returned back to her parental
home on 06.01.2025. The statement of the victim was recorded



under Section 180 of the BNSS by the investigating officials and finally her statement was recorded under Section 183 of the BNSS on 08.01.2025.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. The victim returned back to her home after living more than 20 days with the brother of the petitioner namely Manish Kumar, during which period allegedly she was being physically assaulted. Learned counsel further submitted that on perusal of the statement of victim recorded under Section 183 of the BNSS it appears that the victim has not alleged that it was the petitioner, who is the own brother of the co-accused, has assaulted her and has committed any physical or sexual wrong with her. Learned counsel thus submitted that in absence of any overt act to have been committed by the petitioner, the petitioner, having clean antecedent, deserves to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that complicity of the petitioner cannot be denied in kidnapping of the minor daughter of the informant and as such, he don't deserves to be released on pre-arrest bail.



6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the content of the allegation made in the FIR and the material which has come in course of investigation and the statement of the victim recored under Section 183 of the BNSS, I find that the victim was allegedly kidnapped on 14.12.2024 and she returned back on 06.01.2025 and she has not alleged any allegation of overt act being committed by the petitioner, who is the own brother of the co-accused of the said Manish Kumar, against whom the victim has alleged that he has established illicit sexual relationship with her for nearly 20 days, I am of the opinion that the petitioner, having clean antecedent, has, *prima facie*, made out a case to be released on anticipatory bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Nathnagar P.S. Case No. 433 of 2024 , subject to the condition as laid down under Section 482 of the BNSS.



8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. The xerox copy of the statement of the victim recorded under Section 183 of the BNSS on 08.01.2025 is directed to be kept on record.

(Purnendu Singh, J)

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