

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52696 of 2025

Arising Out of PS. Case No.-22 Year-2021 Thana- KATRA District- Muzaffarpur

Ashok Kumar @ Ashok Kumar Ray S/o Rambabu Ray @ Rama Ray, R/o
village - Bisautha, P.S.- Katra, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor appearing on behalf of the

State.

2. The petitioner seeks bail in a case registered for
the offences punishable under Sections 363 and 366A read with
Section 34 of the Indian Penal Code.

3. The prosecution case in brief is that the
informant namely, Anil Mandal on 30.01.2021 at about 11:00
AM stated that his daughter namely, Preeti Kumari went to the
shop to bring home some goods, when she did not come after a
long delay, the informant went to search her and also contacted
his near and dear, but could not find her. It is further alleged that
his daughter had also taken a mobile phone along with Rs.
40,000/- cash from her house. The petitioner namely, Ashok
Kumar Ray with the help of other accused namely, Lal Muni



Devi took the informant's daughter by luring her with intention to marriage. Accordingly, the FIR has been lodged against the petitioner along with one accused.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, merely on the basis of doubt / suspicion. He further submits that the petitioner is innocent and he has not committed the alleged offence. He next submits that the petitioner was having a love affair with the victim for a long time and it is due to this reason that the victim left her house with Rs. 40,000/- cash, which itself suggests that there was a proper planning by the victim to leave the house along with the petitioner. He further submits that the victim had left her house willingly and later came back to her house and she has deposed in her statement recorded under Section 183 of the BNSS to this effect. He next submits that both the parties had settled their dispute outside the Court to live peaceful life and that the present FIR has been filed as a result of confusion. Learned counsel next submits that the petitioner carries clean antecedent as mentioned in the paragraph no. 3 of the bail application and chargesheet has already been filed and therefore, there is no chance of absconding or tampering with the prosecution evidence. Learned counsel lastly submits that



the petitioner is in custody since 28.05.2025.

5. Learned Additional Public Prosecutor for the State vehemently opposes the prayer for bail of the petitioner and submits that from perusal of the impugned order passed by the learned Court below, it transpires that learned Court below had gone through the case diary. From paragraph no. 1 to 170 of the case diary, as per the learned Court below, the main allegation is against the petitioner for having kidnapped the informant's daughter. The statement of the victim girl was recorded under Section 183 of the BNSS, after her recovery wherein the victim girl has levelled direct and specific allegation of kidnapping and rape by the accused petitioner. The victim girl has stated in her statement that when she was going to deposit Rs. 40,000/- cash in Central Bank Branch, Dhanaur, the accused / petitioner was already present there with a Bolero vehicle and he administered some intoxicating liquid material to her due to which she got unconscious and when she regained her consciousness, she found herself in Delhi and forcible physical relationship was established with her. Thus, serious allegation has been levelled by the victim against the petitioner in her statement recorded under Section 183 of the BNSS.

6. Considering the aforesaid facts and



circumstances of the case and also including the nature and gravity of the offence levelled against the petitioner, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the prayer for bail stands rejected.

(Alok Kumar Sinha, J)

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