

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5726 of 2025

Arising Out of PS. Case No.-1687 Year-2022 Thana- COMPLAINT CASE District- Araria

Mithelesh Ray S/o Jayanandan Ray Resident of Village- Bhojpur, Ward No.-
5, P.S.- Bardaha, District- Araria Petitioner

Versus

1. The State of Bihar
2. Ranjana Devi W/o Yogendra Das, D/o Ramchander Tatma R/o Village-
Dharmganj, Ward No.- 12, P.S.- Tarabaari, Distt.- Araria
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-04-2025 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for
offence under Section 366 of the Indian Penal Code.

3. The informant Ranjana Devi alleged that on
7.4.2022, this petitioner came to her shop, threatened her with
knife, and forcibly took her and her children to Jalandhar where
he confined her and repeatedly sexually assaulted her for three
months.

4. It is submitted on behalf of petitioner that
relationship was consensual and opposite party no.2 was very
much capable of understanding the consequences of her action
and simply because relationship could not work out, it will not
give rise to institution of the complaint for the offence under
Section 366 of the IPC. It appears to be highly improbable that
without consent, opposite party no.2, with her three children,
accompanied petitioner to Jalandhar from Araria and did not
raise any alarm or hue and cry during the transit period.
Complaint has been lodged after delay of four months without
any explanation which renders the entire prosecution case
doubtful. Both parties are major and they were in relationship



for quiet some time. They enjoyed each others company for several months and indulged in sexual act, which cannot be said to be induced or involuntarily. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Complaint Case No. 1687C/2022, subject to condition as laid down under Section 438 of the Cr.P.C.

(Prabhat Kumar Singh, J)

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