IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49826 of 2026

CNR No. BRHC010641242026

Arising Out of PS. Case No.-261 Year-2026 Thana- DARIYAPUR District- Saran

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Ashutosh Kumar S/O Umed Giri Resident of Village- Rampur Anant, P.O.- Bajahiyan, P.S.- Dariyapur, District- Saran.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Mr. X S/O Late Mr. Y R/O Village- Yar Mohammadpur, P.O.- Bajahiyan, P.S.- Dariyarpur, Distt.- Saran.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate
Mr. Devashish Giri, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP
For the Informant : Mr. Sanjay Singh, Sr. Advocate
Ms. Sakina Khatoon, Advocate
Mr. Nishant Singha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 28-10-2026 Heard learned senior counsel for the petitioner, learned APP for the State, learned senior counsel for the informant and perused the case diary.

2. The petitioner seeks bail in connection with Dariyapur P.S. Case No. 261 of 2026, instituted for the offences punishable under Sections 137(2), 87, 96 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that on 25.03.2026 at about 3:00 P.M., the petitioner, allegedly took the

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16-year-old victim, who used to teach at a coaching centre at Gariba Chowk, on a motorcycle to an unknown place with the intention of marrying her. It is further alleged that co-accused Abhijit Kumar and Rima Devi facilitated the victim's elopement.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned senior counsel for the petitioner also submits that the petitioner has not committed any such offence as alleged against him. The petitioner and the victim were friends and both of them were in talking terms. It is next submitted that the victim insisted the petitioner to go on a trip outside Patna and she went with the petitioner to Bhopal and then to Bangalore without informing her parents. It is further submitted that statement of the victim has been recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, wherein she has mentioned the name of the petitioner, but no any allegation of rape has been attributed against the petitioner. Hence, Section 64 of B.N.S., as mentioned in the charge-sheet, is not applicable against the petitioner. The petitioner is in custody since 01.04.2026 and has got no criminal antecedent.

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5. In compliance of the order dated 22.09.2026, a report dated 30.09.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that charge has already been framed against the petitioner on 11.08.2026 and no any witness has been examined in this case. It is further reported that the trial is likely to be concluded within a period of three months.

6. Learned APP for the State and learned senior counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned senior counsel for the informant submits that one witness has been examined in this case and the victim is to be examined on 05.11.2026.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail ***after examination of the victim*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dariyapur P.S. Case No. 261 of 2026.

9. Learned Special Public Prosecutor is directed to

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take necessary steps for producing the victim before the learned Court below on the said date of examination.

(Rudra Prakash Mishra, J)

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