

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84822 of 2025

Arising Out of PS. Case No.-268 Year-2025 Thana- BIRAUL District- Darbhanga

Munna Kumar Ray @ Munna Kumar Roy @ Munna Ray son of Shyam Roy
@ Shyam Ray Resident of village- Purvi Thika Paghari P.S- Biraul District
-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126(2), 115(2), 118(1), 64, 351(2), 352 and 3(5) of B.N.S.

3. The case of the prosecution is that while the informant was sleeping at her house alone, at about 2:30 AM the petitioner entered her house and established forceful physical relationship with her by gagging her mouth. After some time, as she raised alarm, the inmates, namely, Puja Devi and Buchi Dai Devi arrived then the petitioner managed to flee from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned



counsel for the petitioner has submitted that during course of investigation, it has come that the petitioner has the informant were in relationship from three years. Learned counsel for the petitioner has further submitted that Annexure-P/3 goes to show that on that day, the informant has made altogether about eighteen missed call on the mobile number of the petitioner. During course of investigation, medical examination of the victim was conducted and the doctors conducting the medical examination have opined that there is no positive evidence to suggest the commission of recent sexual intercourse with her. During course of investigation, the victim has also given her statement under Section 183 of B.N.S.S. wherein she has stated that Munna Rai (petitioner) and Pravin Rai had entered in her room. Pravin Rai gagged her mouth and this petitioner committed rape. Learned counsel for the petitioner has submitted that from the FIR, it is clear that there is allegation that Munna Rai has entered in her house but in her statement recorded under Section 183 of B.N.S.S. she has deviated from her earlier version and has stated that Pravin Rai has also entered in her room. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since



01.08.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Biraul P.S. Case No. 268 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J. 1st , Biraul, Darbhanga.

(Ashok Kumar Pandey, J)

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