

Barsoi P.S. case no. 53/2025
U/S 140(3), 87, 303(2) of the B.N.S.
Accused Name- Md. Asfaque
P.O.-Asutosh Rai, A.S.J.-II, Katihar
A.B.P. NO. 674/2026

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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II

DISTRICT-Katihar
(A.B.P. No. 674/2026)

In the matter of

1. Md. Asfaque aged about 36 years S/o Late Fakira

R/o- Vill- Manohari P.S. Barsoi, District- Katihar

.....**Accused/petitioner.**

Vs

State of Bihar.....Opposite Party.

Barsoi P.S. case no. 53/2025

U/S- 140(3), 87, 303(2) of the B.N.S.

Ld, advocate for petitioner- Shri Uma Shankar Singh

Ld, A.P.P. for the State- Shri Md. Azaj Alam

ORDER

25.05.2026- This anticipatory bail petition has been filed on the behalf of accused-petitioner namely 1. Md. Asfaque who is apprehending his arrest in connection with aforesaid case.

Heard the ld. counsel Shri Uma Shankar Singh appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Azaj Alam on the behalf of the state.

According to F.I.R. prosecution case in nutshell is that informant to this case namely -Y lodged a written report before SHO Katihar Sahayak alleging therein that on dated 06.03.2025 at about 01:30 O'clock in day his daughter-in-law namely -X aged about 27 years went out from home by saying to bring some articles in the house but after lapse of several hours she didn't return back to home then he started searching. Then in the course of searching it came into knowledge that accused-petitioner has enticed his daughter-in-law and took her away for the purpose of marriage. Informant has further alleged that later it came into knowledge that two bhar golden ornaments and 60-70 bhar silver ornaments and Rs. 70,000/- cash were also missing. Informant has further alleged that later on his daughter-in-law told that she is with accused-petitioner namely Asfaque.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and he has committed no offence and has falsely been implicated in this case. He has further submitted that petitioner has got three children and not living in Barsoi and he always living outside the state for his livelihood at Punjab and Delhi and victim is major woman aged about 30 years. He has further submitted that section 140(3) of the B.N.S. is bailable in nature and petitioner never marry the woman against her will to have illicit intercourse so section 303(2) of the B.N.S. not made out against the petitioner. Accused-petitioner has got no other criminal antecedent. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per Contra learned A.P.P. submitted that from perusal of the case record it

is evident that accused-petitioner enticed to the victim to this case namely -X and took her to the Mumbai and committed physical assault to the victim and he also snatched her all ornaments and also gave threatening to sale the victim namely -X and investigation is still pending against accused-petitioner. Accordingly it has been played to reject the bail.

Heard the both parties and perused the case record from the perusal of case record it is evident that there is allegation against the petitioner that he enticed to the victim namely -X and with view to marry with victim, accused-petitioner took to the victim away. Further, in her statement recorded u/s 183 of the B.N.S.S. victim namely -X has clearly stated that accused-petitioner used to frighten her and he also used to say that if she would not go with him then he will get her photographs viral. Later on, she went Mumbai with accused-petitioner. Victim has further stated that accused-petitioner committed physical assault with her and also snatched her ornaments, later on anyhow she managed to escape away and came back. Further, other witnesses of the case diary have also supported the case of prosecution. Furthermore, allegations as levelled against the petitioner are very serious in nature and investigation is still pending against accused-petitioner.

So, having considered the above facts as well as submissions made by Ld. A.P.P., I am not inclined to grant the privilege of anticipatory bail to the aforesaid accused-petitioner. Hence, this anticipatory bail petition filed on behalf of the accused-petitioner namely Md. Asfaque is hereby rejected.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	25.05.2026
Date of Reserving Order	N/A
Uploading Date	03.06.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar