

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36095 of 2025

Arising Out of PS. Case No.-87 Year-2024 Thana- Cyber P.S. District- Bhojpur

Anup Kumar Son of Dharambir Singh R/O Vill- Khushalpur, PO-Belghat
Baluwa,P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Wakila Khatoon W/O Md. Fahim R/O Village-Rampur, Milki Kothi,PO-
Ganghar,PS-Mufasil Ara, Distt-Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 01-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. In spite of valid service of notice upon the
O.P. No.2, no one has appeared on his behalf.

2. The petitioner seeks bail in connection with Bhojpur
Cyber P.S. Case No. 87 of 2024 instituted for the offences
under Sections 64, 316(2), 318(4) of the Bhartiya Nyaya
Sanhita, 2023 and Sections 66(C), 66(D), 66(E) of the I.T. Act
and Section 4/15 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner is of defrauding, blackmailing and ultimately
committing rape upon the Informant's minor daughter.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the informant's daughter was medically examined but, in the medical report, there is no sign of sexual relation. He further submits that the victim girl in her statement recorded under Section 183 of the B.N.S.S. has not made any specific allegation against the petitioner and has also stated that there was a love-affair between them. The petitioner has no criminal antecedent and is languishing in judicial custody since 11.11.2024 without any rhymes or reason. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner. He further submits that the trial is going on and as of now, three charge-sheet witnesses have already been examined.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor and her consent has no meaning in the eye of law.

6. Having heard learned counsel for the parties, this Court finds that the trial is already in progress and three charge-sheet witnesses have also been examined. Since, the trial is already in progress, this Court is not inclined to grant bail to the



petitioner at this stage. Reliance in this connection may be made to the decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

7. Considering the aforesaid facts and circumstances of the case, the gravity and nature of the offence as also the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

9. Learned Trial Court is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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