

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44084 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Cyber P.S. District- Purnia

Magu Sharma @ Magu kumar Sharma S/O Magra Sharma R/O Village-
Sakin- Charriya, PS- Baysi, District- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Devi W/O Jitendra Sharma R/O Village- Sakin- Charriya, PS- Baysi,
District- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-09-2025 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 376, 385, 354(B), 504, 506/34 of the Indian Penal Code & Section 66 of I.T. Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she lived with her husband at Pune and the petitioner, who is her co-villager started eyeing her and started calling on phone, further on 26.03.2024, when the victim was going to a temple, the petitioner caught her and took her in a



nearby bush and committed rape with her and also made a video on his phone, it is next alleged that on 02.04.2024, the victim was going to temple and her husband was behind her and at that time her husband saw the informant with the petitioner, hence he enquired from the petitioner that as to why he is with his wife when the petitioner told him that they are in love and thereafter, the husband of the informant reached his village and disclosed the entire occurrence to other accused persons, on which the petitioner along with other accused started disrobing her in front of her husband at the village but anyhow she succeeded in escaping from their clutch and they assaulted her husband and tried to outrage her modesty.

4. Learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the first occurrence is alleged to have taken place on 26.03.2024 and thereafter on 02.04.2024 but then no FIR came to be instituted, it was only on 09.05.2024 that the instant FIR with the aforesaid allegation came to be instituted. It is also submitted that the victim was examined by a doctor and the doctor did not find any sign of any sexual assault. It is next submitted that even the CDR of the informant and the



petitioner was obtained for the purposes of investigation and from 01.02.2024 to 31.03.2024 there is no record of any telephonic communication between them as has been pleaded at Para-12 of the anticipatory bail application. It is also submitted that it absolutely does not stand to reason that had the petitioner committed rape of the informant as is being alleged, in that event, an FIR would have ought to have been instituted. It is also submitted that if the FIR is perused minutely, it would manifest that informant alleges that when her husband asked the petitioner as to why he is accompanying the informant, on which, he disclosed that they are in love. It is submitted that either no occurrence of the nature as alleged took place or the informant and the petitioner were in love, as such, petitioner being emboldened, disclosed to her husband that they are in love. It is further submitted that allegation of trying to outrage modesty of the informant and assaulting the husband of the informant is an exaggerated allegation. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Cyber P.S. Case No.35/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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