

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73253 of 2025

Arising Out of PS. Case No.-40 Year-2018 Thana- MAHILA P.S. District- Saharsa

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Bhupendra Sharma @ Bhupendar Sharma son of Malik Sharma @ Mallik Sharma Resident of Village- Bishanpur, Ward no. 12, PS - Sonbarsa Kachahari, dist. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-11-2025 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 448, 341, 323, 376 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 03.06.2018 while she was sleeping with her child when petitioner at 01:00 a.m. came and raped her and threatened not to disclose or else her child would be killed. On alarm, the mother-in-law and brother-in-law of the informant came when the petitioner fled away leaving his slippers behind.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the



informant. It is further submitted that during the course of investigation, petitioner was issued notice under Section 41(A) of the Cr.P.C. and he cooperated in the investigation. It is next submitted that police after investigation submitted charge-sheet under Sections 323, 354, 504 and 506 of the Indian Penal Code. It is also submitted that the learned trial court differing with the police report also took cognizance under Section 376 of the Indian Penal Code. It is further submitted that the police during the course of investigation never felt the need of arresting the petitioner and also did not find the case true under Section 376 of the Indian Penal Code based on the medical report but then the learned trial court in a mechanical manner took cognizance of the offence under Section 376 of the Indian Penal Code also. It is next submitted that petitioner will not abscond rather will cooperate in the trial 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, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 Saharsa Mahila P.S. Case No. 40 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that if the learned trial court comes to a conclusion that petitioner after his release on anticipatory bail is trying to delay the framing of charge or after framing of charge is trying to delay the trial in both the conditions, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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