

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31030 of 2021

Arising Out of PS. Case No.-741 Year-2020 Thana- KAHALGAON District- Bhagalpur

SANTOSH DUBEY SON OF LATE YUGAL KISHOR DUBEY R/O
VILLAGE- DEVIPUR, P.S.- NOHATTA, DISTRICT- ROHTAS AT
PRESENT - GHOGHA BAZAR, P.S.- GHOGHA, DISTRICT-
BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Adv.
For the State	:	Mr. Mukeshwar Dayal, APP
For the Informant	:	Ms. Archana Shahi, Adv.
		Mr. Sanjeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 15-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 354A, 354, 504, 506 and 420 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the petitioner established physical relations with her for the last two years and giving her threats continued to physically exploit her. Assurances were given that he would take her to Bombay and he will introduced her to a Director etc.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the F.I.R. itself, it would transpire that the informant, who is a major, was in consensual relationship with the petitioner and it was at a much later stage and as an afterthought that she has falsely implicated the petitioner. It is submitted that as per the medical report, the finding of the doctor is that based on the clinical evidence, there is no clinical evidence of rape. The petitioner is in custody since 21.11.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having continuously physically exploited the informant over a period of years. The said allegations are supported by the informant in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the statement under section 164 Cr.P.C., the Court is



not inclined to enlarge the petitioner on bail and the application
is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

