

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31052 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- DUMRAO District- Buxar

CHULBUL DUBEY @ AMRISH DUBEY Son of Shri Hare Ram Dubey
Resident of Village - Hari ji kat hata Dumraon, P.S.- Dumraon, District -
Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Dumraon P.S. Case No. 131 of 2022 registered for the offences
punishable under Sections 420, 376, 504 and 506/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that the
petitioner has been establishing the illicit relationship with the
informant for a period of one year and on pretext petitioner
threatened to kill the family members of the informant and
petitioner also kept the photograph of the informant in his



mobile phone and he has been threatening to make the photographs viral. It has further been alleged that the accused took her to Patna on the pretext of marriage and kept her there for a period of ten days and he forcibly put vermilion on the forehead of the informant and refused to perform court marriage and he also refused to take the victim to his house and obtained signature/thumb impression of the victim on plain paper.

Learned counsel for the petitioner submits that petitioner is in custody since 14.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that victim has denied the illicit relationship with the petitioner as mentioned in the impugned order. Informant is not a minor girl and doctor after medical examination declared her age about 20 to 21 years.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, victim denied any illicit relation in her



statement, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 131 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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