

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45042 of 2021**

Arising Out of PS. Case No.-4 Year-2017 Thana- DAWATH District- Rohtas
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Vishal Dubey S/O Dsukhendra Dubey @ Malik Dubey R/O Village-Panch
Mandir, P.S-Dawath, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ravi Shankar Pathak, Advocate

For the State : Mr. md. Anzaru Haque, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 18-04-2022

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366(A) of the Indian Penal Code and the police after investigation submitted chargesheet and the charge was framed against the petitioner under Section 376 of the Indian Penal Code and Section 4, 8 of the POCSO Act.

As per prosecution case, in brief, it is alleged by the informant that on 09.01.2017 at 9:00 A.M. the daughter of the informant namely Mamata Kumari aged about 12 years had gone to attend her class in Rajkiya madhay Vidhyalay, Dawath but when she did not return till 4 O'clock then the informant started



searching. On 13.01.2017 the informant came to know that his neighbour Vishal Dubey talked to his daughter since ten days and the informant is full confident that Vishal Dubey kidnapped his daughter .

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that in fact the petitioner was in love with the victim girl and the present F.I.R. was lodged after five days of occurrence without explanation of any reasonable reason. He further submits that the victim girl was recovered but till date no medical examination has been conducted. He further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.12.2020.

Vide order dated 23.02.2020, a report was called for with regard to the present stage of trial. The report reveals that out of eight chargesheet witnesses only one witness has deposed as prosecution witness and the case is pending for the evidence of other witnesses. Learned counsel submits that in view of the report, the trial is not concluded in near future and the petitioner is in custody since 03.12.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dawath P.S. Case No. 04 of 2017, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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