

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11441 of 2023

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

SANTOSH DUBEY S/O LATE YUGAL KISHOR DUBEY R/v- Devipur,
P.S.- Nouhatta, 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	:	M/s N.K.Agrawal, Sr. Advocate Indu Bhushan Diksha Kumari, Advocates
For the Opposite Party/s :		Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 03-05-2023 1. Heard learned senior counsel for the petitioner and
learned APP for the State.
2. The petitioner has renewed his prayer for grant of
regular bail in connection with S.T. no. 292 of 2021, arising out
of Kahalgaon P.S. Case no. 741 of 2020 registered under
sections 376, 354A, 354, 504, 506 and 420 of the Indian Penal
Code .
3. As per the prosecution case, the informant states
that the petitioner established physical relations with her for the
last two years, gave threats and continued to physically exploit
her.
4. The the earlier application for bail of the petitioner



was rejected vide order dated 15.2.2022 (Annexure-1) passed in Cr. Misc. no. 31030 of 2021.

5. Learned senior counsel appearing for the petitioner submits that the fact not in dispute is that the informant is a 25 year old lady. It is further submitted that she being a major, the relationship was consensual and it was subsequently that as an afterthought the false allegations were levelled as mentioned in the FIR. The petitioner is in custody since 21.11.2020 and while rejecting the bail vide order dated 15.2.2020, the learned trial court had been directed to expedite the trial. There is no chance of the trial concluding in the near future.

6. Heard learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter no. 57 dated 12.4.2023 of the Addl. District & Sessions Judge I, Bhagalpur, two prosecution witnesses have been examined and non bailable warrants have been issued against the remaining witnesses.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody for more than two years since 21.11.2020 and non bailable warrants having been issued



for appearance of the remaining prosecution witnesses, the petitioner is directed to be enlarged on bail in connection with S.T. no. 292 of 2021 (arising out of Kahalgaon P.S. Case no. 741 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge I, Bhagalpur.

(Partha Sarthy, J)

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