

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70844 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- TILAUTHU District- Rohtas

Tuna Dubey @ Krishna Dubey S/O Vijay Kant Dubey R/V- Harnachiti, P.S.-
Tilauthu, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Tilauthu P.S. Case No. 61 of 2022 registered under section 365 of the Indian Penal Code.

The prosecution case in short, is that, the husband of the informant purchased a tractor for the purpose of transporting and mining of sand and his tractor was seized by the police, thereafter his co-villager, namely, Sanjay Dubey received cash of Rs. 60,000/- and 40,000/- through phone pay from the informant's husband for the purpose of releasing the tractor from the police. Thereafter, Sanjay Dubey brought the informant's husband from his house for the purpose of releasing



tractor but he did not return home till evening. Thereafter, informant tried to contact her husband through mobile but mobile of the her husband was switched off and still he was traceless.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is submitted that there is no eye witness of the alleged occurrence and the petitioner is not named in F.I.R. rather the main allegation is against co-accused Sanjay Kumar Dubey and his wife namely, Usha Devi, whose names have been mentioned in the F.I.R. while the petitioner is not named therein. It is further submitted from para-8 of this petition that the name of the petitioner has transpired during the course of investigation, while following the C.D.R. of different mobile phones which were in contact with the victim's mobile phone. The investigating agency reached to one Rohit Ram from whose house a mobile phone was recovered which had the I.M.E.I. number of victim's phone. On inquiry, he disclosed the name of one Ajeet and again after inquiry from Ajeet, he disclosed the name of the petitioner. It is further submitted from para-10 of this petition that the petitioner has tent house business and several people visited the place



everyday for business purpose and it is a fact that co-accused Sanjay Kumar Dubey also visited his place, but except business relation, petitioner had no any other association with the said Sanjay Dubey. Further the petitioner has no connection whatsoever with the victim and hence he was not made an accused in the F.I.R. Nothing cogent material came against the petitioner to implicate in the present case. He is languishing in judicial custody since 08.07.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Tilauthu P.S. Case No. 61 of 2022 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 Court of Sub Divisional Judicial Magistrate (S.D.J.M.), Dehri (Rohtas).

(Sunil Kumar Panwar, J)

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