

Court No. - 85

Case :- CRIMINAL APPEAL No. - 10451 of 2023

Appellant :- Ramakant Yadav

Respondent :- State of U.P. and Another

Counsel for Appellant :- Dheeraj Kumar Yadav, Amit Daga, Hari Prasad Yadav

Counsel for Respondent :- G.A., Deo Prakash Singh, Rishi Kumar Singh

Hon'ble Mayank Kumar Jain, J.

1. Counter affidavit filed today by learned counsel for opposite party no. 2 is taken on record.

2. Heard learned counsel for the appellant, learned counsel for the informant, learned Additional Government Advocate for the State of U.P. and perused the record.

3. This criminal appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant with the prayer to set aside the order dated 26.09.2023 passed by learned Special Judge (SC/ST Act), Jaunpur in bail application no. 427 of 2023 (State Vs. Ramakant), arising out of Case Crime No. 105 of 2023, under Section 452, 304 I.P.C., and Section 3(2)(V) of SC/ST Act, Police Station Meerganj, District Jaunpur.

4. The case of the prosecution as per the F.I.R is that on 09.09.2023, son of the informant namely Ayush Kumar Saroj had gone to Kanchan Balika Inter College. At around 3:49 p.m informant got information that Ayush had fallen from the stairs and has become unconscious. When informant reached the college he found that his son was lying as dead. He came to know that he was compelled to stand in sunlight for one hour, he apprehended that appellant is involved in the murder of his son.

5. Learned counsel for appellants has submitted that the appellant is innocent and have been falsely implicated in this case. Appellant is not the principal of the college, appellant is working as a teacher only in the college. The appellant is not named in the F.I.R, his name is disclosed by the informant in his statement during investigation. It is further submitted that in the postmortem report the injuries are noted and blood clot was found inside the skull and the cause of death is ascertained as hemorrhage and shock as a result of ante mortem head injury. The son of the informant fell down from the stairs and received injuries. It is also submitted that

appellant had no motive in the incident. It is further submitted that in the inquest report it is mentioned that it was the opinion of the panch that Ayush died as a result of falling from the stairs. The appellant is languishing in jail since 16.09.2023 having no criminal history and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the early disposal of the case.

6. Per contra, learned A.G.A. assisted by learned counsel for the informant vehemently opposed the prayer for bail and submitted that witnesses Amber Gaud, Sumit Kumar Saroj who were also receiving education from the same college have stated in their statements recorded under Section 161 Cr.P.C that on the day of incident Ayush was having headache. He sought permission of the appellant to leave the college after fourth period. But the appellant got annoyed and had beaten him mercilessly by hitting his head against the wall. The appellant is habitual of beating the students badly and he oftenly use caste related words to the students. When all the students left the college, only thereafter Ayush was permitted to leave the college. He fell down near the main gate of the college. He was accommodated to the takht lying there and succumb to his injuries.

7. In rebuttal, it is submitted that all the witnesses are the family members of the informant.

8. Having regard to the facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the active participation of the appellant in the commission of crime, I do not find it fit case for bail.

9. Since the trial court has passed the impugned order after appreciating the evidence available on record, there is no occasion to interfere with the finding of fact recorded by the trial court, hence, the present criminal appeal lacks merit and deserves to be dismissed.

10. Accordingly, the criminal appeal is dismissed.

11. However, the trial court is directed to expedite the trial and to record the statements of the witnesses of fact within a period of four months from the date of receipt of certified copy of this order without granting any unnecessary adjournment to either of the parties subject to full co-operation by the appellant.

Order Date :- 21.11.2023/PS