

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1211 of 2020**

Arising Out of PS. Case No.-193 Year-2019 Thana- AMAS District- Gaya

UDAY VERMA @ UDAY KUMAR VERMA S/o Late Jagdish Bhagat
Resident of Village-Bharaundha, P.S.-Gurua, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 29-06-2020

The present appeal was heard on 26.06.2020 at length and today it has been placed under the heading “for orders”.

The appeal is directed against the order dated 20.02.2020 passed by the learned Exclusive Special Judge, SC/ST, Gaya in B.P. No. 93 of 2020 in connection with Amas P.S. Case No. 193 of 2019 for the offence punishable under Sections 363, 365, 364, 392, 201, 120(B)/ 34 of the Indian Penal Code and Section 3(2) (v) of SC/ST Act, whereby and whereunder the prayer of the appellant for grant of regular bail has been rejected.

The case of the prosecution in brief is that the husband of the informant had gone to the house of the appellant on 16.10.2019 and on the next day i.e. on 17.10.2019, the



husband of the informant is stated to have gone with the appellant to Amas Bazar P.S. Hamzapur on his motorcycle. It is further alleged that on 17.10.2019, at about 2:00 in the afternoon, the appellant informed the informant that his husband had gone some where from that place and the appellant had returned to his house on a tempo. Subsequently, search was made for the husband of the informant, however, he could not be traced.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case, the FIR in question has been lodged against unknown persons and the appellant is having a fair antecedent inasmuch as he is an accused in one other case, but he has been granted anticipatory bail in the said case. It is further submitted that the appellant has not been found to be roaming near the place from where the dead body of the deceased has been recovered. The learned counsel for the appellant has submitted that the name of the appellant has transpired in the confessional statements made by the co-accused persons namely Durga Yadav and Sangram Yadav. It is submitted that apart from the confessional statements of the said co-accused persons namely Durga Yadav and Sangram Yadav,



which has got no evidentiary value in the eyes of law, there is no material on record to connect the appellant with the alleged crime.

The learned APP appearing for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the petitioner, gone through the materials on record and perused the case diary. It is apparent from a bare perusal of the statements made by the witnesses, duly recorded during the course of investigation by the police in the case diary, that the appellant herein along with co-accused persons namely Durga Yadav and others used to take huge sums of money from the candidates for the purposes of getting them government job and during the course thereof, the husband of the informant is stated to have been introduced by the appellant to the said accused person, namely, Durga Yadav, whereafter the husband of the informant namely Sanjay Kumar had paid a sum of Rs. 2 lakh for securing his job, however, ultimately the said deceased person had been left disappointed, whereupon he started demanding a refund of his money, however, the accused persons including the appellant herein, on one pretext or the other, did not return the money whereupon the deceased had started mobilizing such other



candidates who have been defrauded by the appellant and other accused persons and they were mounting pressure on the appellant and other accused persons to refund the money, failing which they had threatened that they would file case against them. It has transpired during the course of investigation that the appellant and other accused persons had then hatched conspiracy and the deceased was kept by the appellant at his house in the night of 16.10.2019 and on the next day i.e. on 17.10.2019, the other accused persons had taken him away and ultimately had killed him and dead body of the husband of the informant was buried in the field of the said accused person namely Durga Yadav, which was later on exhumed by the police and the doctor, in his postmortem report has opined that the injuries on the person of the deceased are anti mortem, have been caused by hard and blunt substance and also by firearm leading to death of the deceased namely Sanjay Kumar.

It is further apparent from the materials available on the case diary that the appellant and other accused persons had conspired together and killed the deceased. The confessional statement of the co-accused persons namely, Durga Yadav and Sangram Yadav has been recorded in paragraph no. 264 and 266 of the case diary. The detailed summary of the investigation



pertaining to the present case has been mentioned in paragraph no. 329 of the case diary from which the entire story is clear and the complicity of the appellant herein writ large, hence, I do not find the present case to be a fit case for grant of bail to the appellant herein, especially considering the fact that the appellant is alleged to have hatched a conspiracy with the co-accused persons, leading to murder of the deceased, hence, the present appeal is bereft of any merit, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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