

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1635 of 2020

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

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SANGRAM YADAV @ TEJASHWI YADAV S/o Durga Yadav Resident of
Village-Chandi Asthan, Police Station-Amas, District-Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No. 2, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 05-12-2020 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has been filed challenging an order dated 12.02.2020, passed by learned Exclusive Special Judge, SC/ST Act, Gaya in B.P. No. 68 of 2020, arising out of Amas P.S. Case No. 193 of 2019 registered for the offence punishable under Section 302 and other allied Sections of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of SC/ST Act, whereby the appellant's prayer for grant of regular bail has been rejected.

Initially, a missing report was got registered by the widow of the deceased on 18.10.2019 to the effect that her husband had left the house stating that he was going to the place of one Uday Kumar Verma. She was thereafter informed that he was likely to meet co-accused Durga Yadav in connection with



ensuring his employment (employment of the deceased). It is further alleged that the deceased had gone to the residence of the appellant and his father Durga Yadav. When the deceased did not return, she went to the residence of the appellant, whereafter she suspected that her husband might have been kidnapped.

On perusal of the case diary, it has surfaced that the appellant and his father Durga Yadav were engaged in illegal business of duping persons in the name of guaranteeing them employment on payment of huge amount of money. The deceased was one of them, who was allegedly duped on allotment of providing him a Government job.

It is the case of the prosecution, as emerging from the case diary, that the deceased was not only insisting for refund of the amount which he had paid, he was trying to organize other affected persons also who had been duped by the appellant and his father. The dead body of the deceased was recovered on 09.11.2019. The appellant and his father Durga Yadav are said to have confessed their guilt before the police and on the basis of disclosure made by them a *Magic* vehicle used for disposal of the dead body was recovered. The materials collected in course of the investigation form strong circumstance of the involvement of the appellant in the commission of the offence, apart from his confessional statement and the confessional statement of the co-



accused, which give vivid description of the manner of commission of offence. There is consistency between the statement of the appellant recorded by the police and that of co-accused. They disclosed to the police that after commission of offence they had buried the dead body in a field which belonged to them. They are said to have gone to the place from where the dead body was recovered by the police. The *Magic* van, which was allegedly used for disposal of the dead body, belonged to the appellant's father Durga Yadav, a co-accused, who is said to have disclosed that the appellant had shot at the deceased.

In view of the incriminating materials collected in course of the investigation, I do not find any illegality in the impugned order whereby petitioner's bail application has been rejected by the court below.

This appeal has no merit and is accordingly dismissed.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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