

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5726 of 2023**

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

Uday Verma @Uday Kumar Verma SON OF LATE JAGDISH BHAGAT
RESIDENT OF VILLAGE- BHARAUNDHA, PS- GURUA, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. RENU DEVI WIFE OF LATE SANJAY KUMAR RESIDENT OF
VILLAGE- RANIKUAN, PS- MADANPUR, DIST- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nand Kishore Prasad Sinha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 21-06-2024

The present appeal has been filed under Section 14(A)(2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 11.10.2023, passed by the Learned Court of Exclusive Special Judge, SC/ST, Gaya, in I.A. No. 8 of 2023 (B.P. No. 394 of 2023), in connection with Amas P.S. Case No. 193 of 2019 (Trial No. 213 of 2020), instituted for the offences punishable under 363, 365, 364, 302, 201, 120(B)/ 34 of the Indian Penal Code, Section 27 of the Arms Act 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. It may be mentioned here that earlier also, the



appellant had filed appeals for grant of regular bail, vide Criminal Appeal (SJ) No. 1211 of 2020, Criminal Appeal (SJ) No. 1599 of 2021 and Criminal Appeal (SJ) No. 2463 of 2022 however, the same have all been dismissed by this Court, vide orders dated 29.6.2020, 25.8.2021 and 02.11.2022, respectively.

2. 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 her husband has gone some where from that place and he has returned to his house on a tempo. Subsequently, search was made for the husband of the informant, however, he could not be traced.

3. The learned counsel for the appellant has submitted that the appellant is languishing in custody since 20.10.2019 and the present case is a case of circumstantial evidence, inasmuch as the appellant was not named in the FIR in question. It is further submitted, by referring to the supplementary affidavit, filed in the present case that the deposition of P.W.4 i.e. the informant also does not repose any confidence in support of the case of the



prosecution, hence, the present case is a fit case for grant of the privilege of regular bail to the appellant.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that this Court, vide order dated 29.6.2020, has already considered the materials available in the case diary as also on the records of the case and upon perusal of the statement made by the witnesses, duly recorded during the course of investigation by the police in the case diary, it has transpired 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 is submitted that 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. Thus it is contended that there are enough materials to show that the appellant is having complicity in the alleged occurrence.

5. I have heard the learned counsel for the parties and I find that the complicity of the appellant in the alleged occurrence is writ large from the materials available on record as also this Court had prima facie come to a conclusion, in its order dated



29.6.2020 that the appellant herein and other co-accused persons had conspired together and killed the deceased. In fact, it has also been recorded in the said order dated 29.6.2020 that the confessional statements of the co-accused persons, namely, Dugra Yadav and Sangram Yadav, have been recorded in paragraph nos. 264 and 266 of the case diary and the detailed summary of investigation has been mentioned in paragraph no. 329 of the case diary from which the complicity of the appellant herein in the alleged occurrence is writ large.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the fact that there are enough materials on record to prima facie show the active involvement of the appellant in the alleged occurrence, apart from the fact that there is no change in the circumstances so as to warrant reconsideration of the prayer of the appellant for grant of regular bail, I deem it fit and proper to dismiss the present appeal, being bereft of any merit.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
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