

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I, JAMUI-Cum- Spl
Judge SC/ST P.O.A Act.
SC/ ST Case no. 56/2023**

Vijay Yadav @ Anil Yadav @ Anil Kumar.....Petitioners

Vs.

The State of Bihar.....O.P.

Arising out of Garhi P.S Case no. 56/2022, U/S. 302/34 of I.P.C

Charges-heet has been submitted u/s 302/ 34 I.P.C, section 27 of the Arms Act & section 3(2)(va) of SC/ST P.O.A. Act.

Charges have been framed u/s 302/ 34 I.P.C, section 27 of the Arms Act & section 3 (2) (v) of SC & ST P.O.A. Act

Learned counsel for the Petitioner..... Sri. R.B Yadav, Advocate

Learned counsel for the StateSri Manoj Kumar Das, Spl. P.P.

PRESENT-DHIRENDRA BAHADUR SINGH

ADDITIONAL SESSIONS JUDGE-I, JAMUI

-Cum- Spl Judge SC/ST P.O.A Act.

Date of Order 05.10.2023

ORDER

05.10.2023

1. Regular bail application dated- 22.08.2023 filed on behalf of petitioner i. **Vijay Yadav @ Anil Yadav @ Anil Kumar s/o Sharda Yadav** Vill- Ranhan, PS – Sikandra, Dist – Jamui, in connection with SC/ST case no. 56/2023 arising out of Garhi P.S Case no. 56/2022, U/S. 302/34 of I.P.C. Charge-sheet has been submitted u/s 302/ 34 I.P.C, section 27 of the Arms Act & section 3 (2) (va) of SC & ST P.O.A. Act. and cognizance has been taken under same sections. Charges have been framed u/s 302/ 34 I.P.C, section 27 of the Arms Act & section 3 (2) (v) of SC & ST P.O.A. Act is put up before me for hearing today. Petitioner has been in custody since 03.06.2023.

2. Learned counsel for the petitioners submitted that petitioner is quite innocent and has committed no offence and he has falsely been implicated in this case with an ulterior motive and his anticipatory bail application has been rejected vide A.B.A No. 652/2023 and his regular bail application has been dismissed as withdrawn vide B.A No. 443/2023 as the case of the petitioner was committed to the court of sessions and thereafter no bail application on behalf of petitioner has been filed or rejected either by this Court or by the Hon'ble High Court Patna. He further submitted that the petitioner has got criminal antecedent vide i. Laxmipur P.S Case no. 307/2021 vide S.T 105/2021 u/s 302 of I.P.C, ii. Sikandra P.S Case no. 218/2012 vide S.T no. 541/2107 u/s 308 of I.P.C. iii. Sikandra P.S Case no. 83/2021 under Excise Act, iv. Sikandra P.S Case no. 195/2012 u/s 147, 148, 149, 120B of I.P.C. He further submitted that petitioner has been in custody since 03.06.2023. He also submitted that petitioner is not named in the F.I.R. and there is nothing against him except the confessional statement of co-accused

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before police. He also submitted that the other co-accused has been allowed bail by the Hon'ble High Court Patna and the case of the petitioner stands on similar footing. Hence prayed to enlarge the petitioners on bail.

3. On the other hand learned Spl.P.P. strongly opposed the bail application and submitted that during the course of investigation the direct complicity of the petitioner has been found in the murder of the deceased lady. He also submitted that the petitioner is man of criminal antecedent and in that context his case never stands on similar footing to that person who has been allowed bail by the Hon'ble High Court.

4. The prosecution case in brief is that one Manoj Kumar Manjhi submitted written report that he received telephonic message on 02.11.2022 at 11:30 pm from his brother-in-law that two persons entered into his house and assaulted to the sister of the informant who got seriously injured. She was taken to Sadar Hospital Jamui and the informant found her dead on the stretcher in a pool of blood. On the basis of written report Garhi P.S Case no. 56/2022, U/S. 302/34 of I.P.C was registered on 03.11.2022.

5. Having heard the submission of the parties and from perusal of the record and case diary para nos. 1, 2 ,3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 24, 53, 88, 92, 155 it is apparent that during the course of investigation the direct complicity of the petitioner has been found in the murder of the deceased. The petitioner has got criminal antecedent vide i. **Laxmipur P.S Case no. 307/2021** vide S.T 105/2021 u/s 302 of I.P.C, ii. **Sikandra P.S Case no. 218/2012** vide S.T no. 541/2107 u/s 308 of I.P.C. iii. **Sikandra P.S Case no. 83/2021** under Excise Act, iv. **Sikandra P.S Case no. 195/2012** u/s 147, 148, 149, 120B of I.P.C. The P.M report corroborates the version of informant in the F.I.R. and the doctor found following antemortem injuries on the person of the deceased –

External Injury No. (i). Bleeding from nose,

(ii). Lacerated wound (curved shaped) present in left frontal near of parietal region.

(iii). Multiple fracture of bone 4" of frontal head bone, 3" fracture frontal head on the Lt. Side frontal region of forehead and parietal region.

(iv). Swelling of both upper eye lid with blackish colour.

On Dissection – Lungs, Liver, Spleen, Kidney pale, stomach empty, large and small intestine full of gasses and faecal material. Fracture of frontal skull bone clotted blood present in frontal region under skull. Urinary Bladder empty.

Age of Injury – Within 10 to 12 hours.

Cause of death – Due to Haemorrhagic shock and fracture of frontal skull bone.

His case never stands on similar footing to that person who has been allowed bail by the Hon'ble High Court, so far as criminal antecedent and period of custody is concerned.

6. Considering aforesaid facts and circumstances, the regular bail application of the petitioner is hereby dismissed.

Dictated

**A.D.J.-I,- Cum – Spl.
Judge POCSO & SC/ST P.O.A. Act, Jamui**