

In the Court of Addl. District & Sessions Judge-1st, Jehanabad

Spl. SC/ST Case No. 71 of 2021

Hulasganj P.S. Case No. 54 of 2021

18.09.2021

The instant bail petition has been heard before Virtual Court during the period of COVID-19 (Corona Virus) Pandemic.

The present bail petition filed on behalf of the accused person / petitioner namely, Vimal Yadav, who is under custody since 12.04.2021, in connection with Hulasganj P.S. Case No. 54 of 2021, for the offences punishable under Sections 302, 201 & 364/34 of the I.P.C. and Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST (POA) Act, is put up for hearing.

Heard Sri Ajay Kumar, the learned counsel for the petitioner and Sri Rajendra Prasad, the learned Spl. P.P. for the state.

The case of prosecution, in brief, is that the informant Chitranjan Paswan submitted his written application before the S.H.O., Hulasganj P.S. stating therein that the informant's son used to go to the Banwaria High School in the morning and evening, for running as a routine and he also used to go to Salempur Bridge to have egg. It is alleged that as usual, on 08.04.2021 at about 06:00 P.M., when he went to have eggs at Salempur Bridge after running at about 07:00 P.M., the co-accused persons called his son from the bridge which had been witnessed by his co-villagers Sunny Kumar and Prashant Kumar. It is also stated that the informant discovered that Kanchan Kumari and Puja Kumari were in talking terms with his son Raghuvir Kumar and due to that reason, the accused persons had killed his son. It is further alleged that the informant and his family members made hectic search of his son but all went in vain and his son's cap and slippers were found lying in the village *Inaichak*. On the basis of written application of the informant, F.I.R. was registered and investigation started.

The learned counsel for the petitioner submitted that the petitioner is quite innocent, he has not committed any offence and he has falsely been implicated in this case due to dirty village politics. The learned counsel further submitted that the petitioner is not named in the F.I.R. and only on mere suspicion, he has been roped in this case and neither the witness Puja Kumari who was in talking terms with the deceased Raghuvir Kumar, in her statement recorded under Section 161 of the Cr. P.C., named the petitioners nor other accused persons namely, Surendra Yadav and Dharmendra Yadav in their statements, had disclosed the name of this petitioner. The petitioner is a handicapped person, he has got no criminal antecedent and he is languishing in custody since 12.04.2021.


The learned Spl. P.P. vehemently opposed the prayer for bail and further

submitted that though, the petitioner is not named in the F.I.R. but his name sprang up during course of investigation in the confessional statement of co-accused person namely, Baua Yadav as his companion in the alleged occurrence.

Consequent upon hearing both the parties and on perusal of case record, it appears that although, the petitioner is not named in the F.I.R. but his name surfaced in the confessional statement of co-accused person as his associate in the alleged occurrence. From perusal of case record, it appears that the informant in his re-statement at para 3, other witnesses at paras 6, 7 and 8 and witness Puja Kumari who was in talking term with the deceased Raghuvir Kumar, at para 42 of the Case Diary, have supported the case of prosecution. From perusal of the Case Diary, it appears that the witness Puja Kumari was in friendly terms with the deceased and as such their friendship, relationship was not acceptable to the accused persons who had threatened her against giving any statement to the Police. Further, from perusal of confessional statement of co-accused person namely, Baua Yadav, it appears that the petitioner has actively participated in the alleged occurrence and facilitated the other accused persons in commission of the alleged crime and the bail petitions of similarly situated co-accused persons, have already been rejected by this Court and the case of this petitioner is on same and similar footing.

Considering all the facts and circumstances of the case as well as materials available on the record, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner, named above, is hereby rejected.

(Dictated)


Addl. Sessions Judge-1st
Jehanabad
18.09.2021