

In the Court of 1st District & Additional Sessions Judge- cum

Special Judge, SC/ST Act, Sheikhpura

SC/ST Case No. 75 of 2020

Arising out of SC/ST P.S. Case No. 318/2020

State

Vs.

Uday Yadav and others

Order

21.04.2026 Record put for orders on the point of cognizance.

Heard learned Spl. P.P. on the point of cognizance.

The SC/ST P.S. Case No. 318/2020 was instituted at the instance of informant Bana Devi against the accused Uday Yadav S/o Banaras Yadav, Uday Yadav S/o Surendra Yadav, Ranjit Yadav, Shailendra Yadav and Sudama Yadav for the commission of offence on 31.07.2020. It was alleged that when the informant's son Vishal Manjhi was coming from Mehus P.S. at about 02:30, all the accused intercepted him and murdered him and threw the dead body at Kanar Khandha due to land dispute.

On the basis of the written report of informant Bana Devi, S.H.O. SC/ST, Sheikhpura lodged formal FIR vide SC/ST P.S. Case No. 318/2020 u/s 302 of IPC r/w Sec. 3(i)(r), 3(2)(v) of the SC/ST (POA) Act.

Perusal of the record shows that the Investigating Officer after investigation found the case "Tathya Ki Bhool" and did not found the involvement of the accused Uday Yadav S/o Banaras Yadav, Uday Yadav S/o Surendra Yadav, Ranjit Yadav, Shailendra Yadav and Sudama Yadav in the commission of alleged offence. The informant was issued notice on 20.07.2023 and the execution report of the notice dated 26.07.2023 shows that the informant received the notice and put her left thumb impression on the execution report. It further transpires that despite service of notice, the informant has not preferred any protest against the submission of final form.

Perusal of the case diary shows that the informant has supported its case in her restatement at Para 11 and the witness at Para 12 also supported the prosecution case. It transpires from perusal of Para 49 which is the supervision note of the S.D.P.O. that the deceased Vishal Manjhi in the state of intoxication was lying at Kanar Khandha under village Khalaspur and from the pocket of the deceased, packet of liquor, chilam by which

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ganja is inhaled and khaini were recovered. The villagers stated that around 20-25 minutes ago a person in the state of intoxication was loitring and fell in the khandha. The post-morter report of the deceased conducted by medical board found an abrasion on forehead measuring 1" X 1/2", abrasion on right hand and elbow joint measuring 3" X 1", Pupil dilated and fixed. On dissection the head and neck were found intact. Chest cage was found intact, both lungs were intact, all chambers of heart found full with blood, stomach contained some semi-digested food and alcoholic smell was present, urinary blader contained some urine, external genital organ was found intact. As per the doctor, the cause of death could not be ascertained as such viscera was preserved for its forensic examination. The F.S.L. report dated 29.09.2020 shows that in the visceras except Ethyl Alcohol No Metallic, Alkoloidal, Glycosidal and Pesticidal poison could be detected in the contents of plastic jars as described above where as Ethyle Alcohol is the main intoxicating ingredient of all alcoholic beverages. The independent witness at Para 67 has not supported the prosecution case as alleged by the informant. The S.P., Sheikhpura has also agreed with the investigation and supervision note of the S.D.P.O. as well as all the materials in the case diary and directed to submit final form against the accused.

From the materials available on the record, it appears that prima facie there is nothing in the case diary to show the involvement of the accused in the commission of the alleged offence. In my opinion, there is no material against the accused to even prima facie proceed against them. From the materials availble on the record, it appears that the deceased Vishal Manjhi died due to excessive consumption of liquor as not only the post-mortem report smell of liquor was detected by the doctor, but also the Scientists of Forensic Science Laboratory found the presence of Ethyle Alcohol in the viscera of the deceased. There is nothing in the entire case diary to even point towards the existence of any land dispute between the informant and the accused, in my opinion, the Investigating Officer has rightly submitted final form as "Tathya Ki Bhool" against the accused Uday

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In the light of the observations made herein above, the final form is accepted and the case stands **disposed**.

(Dictated)

Distt. & Additional Sessions Judge-1st -
Cum Spl Judge SC/ST Act,
Sheikhpura
21.04.2026

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