



UPMA010030422026

In the Court of Sessions Judge, Mau.**Present:Sanjay Kumar Yadav-III, H.J.S.****Judicial Officer Code no.UP2023****Application for Anticipatory Bail no. 994 of 2026**

Shiv Shankar Yadav

--Accused-applicant

Versus

State of U.P.

--Opposite party

ORDER

1. Present application for bail has been moved on behalf of accused applicant Shiv Shankar Yadav involved in case crime no. 0105 of 2026, for the offences punishable under Section 3(5), 103(1), 61(2), 351(3) B.N.S., within the territorial jurisdiction of Police Station Haldharpur, District Mau.
2. The brief facts of the case as per prosecution case are that on 28.05.2026, at 9.00 O'clock in the night, Golu Rajbhar's father was returning from Haldharpur Bazaar after getting the wheat milled into flour and as he came ahead Dholwan canal culvert, Awanish Yadav alias Tipu, Sumit Yadav were sitting in ambush along with their associate and Shivshankar Yadav came with motor cycle and shot dead Ramjanam Rajbhar, father of informant Golu Rajbhar. Above murder was committed at the instigation of Rambadan Yadav-Gram Pradhan. Due to dispute of land and drain, Rambadan Yadav had threatened his father for a days.
3. The learned counsel for the accused applicant submits that the accused applicant is innocent and he has been falsely implicated in this case due to pre-existing village/personal enmity and factional hostility. The FIR is the product of over-implication and a sweeping accusation, and the applicant's name has been inserted despite his absence from the place of occurrence at the relevant time. According to the prosecution version itself, the alleged incident took place at or about 9.00 P.M. on 28.05.2026 in District Mau. The applicant's specific case is that he was physically present in Lucknow around the relevant time window and not at Mau. The accused applicant relies upon a coherent electronic alibi

chain, namely UPI/QR payment transaction at 7.53 P.M. on 28.05.2026 made at Shri Dev Darbar Ice Cream Parlour Lucknow, CCTV footage from the said Lucknow location and its surrounding area, verification of his CDR/location records tower dump and the applicant's readiness to produce the original device and original digital records. No recovery has been effected from the accused applicant. No incriminating article, weapon instrumentality, or proceeds shown to have been recovered from his possession. The accused applicant is ready and willing to cooperate with the investigation in every lawful manner. The custodial interrogation is wholly unnecessary in the facts of the case. The learned counsel for the accused applicant relied on the principles of Gurubaksh Singh Sibbia versus State of Punjab, AIR 1980 SC 1632, Arnesh Kuamr versus State of Bihar (2014)8 SCC 273 and Satender Kumar Antil versus CBI. The Police is raiding his house and there is much apprehension that Police may arrest him and send in jail.

4. The learned I/c. District Government Counsel (Crl.) submits that at the instigation of the co-accused Rambadan Yadav, accused applicant with other accused persons shot dead father of the informant due to dispute of drain and land, which also appears from the statement of the accused Rambadan to the investigating officer during course of investigation. Accused applicant is named in FIR and specific role of shooting has been assigned to him. The alibi taken by the accused applicant is not relevant as accused applicant is named in FIR and his specific role of shooting has been assigned. The accused applicant has committed grave offence. He prayed for rejection of anticipatory bail.
5. It is allegation against the accused applicant that at the instigation of the co-accused Rambadan, accused applicant along with others have shot dead informant's father Ramjanam Rajbhar, when he was returning from Haldharpur Bazaar. The incident is said to have occurred on 28.05.2026 at 21.00 O'clock, while its FIR has been registered on 29.05.2026 at 2.28 O'clock in the day. The accused applicant took alibi that prior to one hour from the incident, he was present in Jim and other place in Lucknow and in this regard, he produced some photographs stating that he has been falsely implicated in this case due to enmity. At this stage, there is no evidence on record with regard to authenticity of above documents, from which it could be concluded that accused

applicant was not present at the spot at the time of incident of murder and he has been implicated in this case due to rivalry of village enmity. Accused applicant is named in FIR. His specific role of shooting and committing murder has been assigned in the FIR. As per postmortem report, one firearm entry wound-around and punctured wound seen measuring 09 mm X 09 mm,12.00 c.m. above from right superior border of iliac crest(bullet diameter 09 mm). Cause of death is haemorrhagic shock, due to antimortem firearm injuries. Considering the facts and circumstances of the case, specific role assigned to the accused applicant in FIR, motive along with gravity of the offence, without expressing opinion on merits of the case, this Court does not find it a fit case for anticipatory bail.

6. Hence, the application for anticipatory bail moved by the accused applicant Shiv Shankar Yadav is ,hereby, dismissed.

(Sanjay Kumar Yadav-III)

Sessions Judge,
Mau.

Dated:June 10, 2026

Typed by-Anil Kumar Srivastava, P.A.