



2026:AHC:53644

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10495 of 2026

Manibahadur Singh @ Bechan Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Chitranjan Singh, Harsh Kumar Mishra,
Sumit Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Shri Harsh Kumar Mishra, learned counsel for the accused applicant submits that present application has been moved to quash the charge sheet dated 27.04.2025 and cognizance order dated 01.05.2025 as well as entire criminal proceeding of Case No. 6759 of 2025 (State Vs. Manibahadur Singh and others) arising out of Case Crime No. 28 of 2025, under Sections 103(1), 238, 61(2) BNSS, P.S.- Reoti, District- Ballia, and therefore, seeks interference of this Court.

2. The contention of learned counsel for accused applicant is that accused applicant has been falsely implicated in the case. FIR is lodged against anonymous persons by the uncle of deceased. The matter pertains to love angle between Chandrawati and Bhikhari Yadav. Chandrawati is married to Laxman Yadav. The deceased used to give inputs on this relation to Laxman Yadav. The body of the deceased was recovered from the secluded place. The matter is of circumstantial evidence. There is no circumstance pointing towards the accused applicant, who is only being implicated in this case on the basis of CDR, wherein there is mobile communication between Bhikhari Yadav and the accused applicant. The recovery of brick at the behest of the accused applicant is not in terms of statute and law applicable. The applicant is 18 years old college going boy and his entire career will be ruined if he has been implicated in this case. Hence, prayed that the charge sheet and proceedings be quashed.

3. Learned AGA for State submits that the applicant has not moved

discharge application and he right away appeared before this Court for quashing the charge sheet invoking the inherent power. Further submits that there is ample material on record for proceeding with the case.

4. There is no point of issuance of notice upon opposite party no. 2.

5. This Court has taken into consideration the rival submissions made by the parties and perused the record.

6. The FIR dated 27.01.2025 lodged at P.S.- Reoti, District- Ballia at 13:15 hrs. against the anonymous persons for the offence of murder and for causing disappearance of evidence. It is averred in the FIR that on 26.01.2025 the nephew of the informant namely Jaishanker Yadav alias Shravan Yadav aged about 30 years got a phone call in the night at 8:00 p.m. He went away and did not return. On search the deceased was not found. On 27.01.2025 a phone call has been received intimating that a dead body with smashed face was lying behind the Meghamath School. The FIR has been lodged. The deceased has suffered ante-mortem injuries and the cause of death was shown a day before due to shock and hemorrhage as a result ante- mortem head injuries. The ante-mortem injuries are as under:-

"1. LACERATED WOUND SIZE 10CM X2 CM BONE DEEP BLEEDING PRESENT.

2. LACERATED WOUND SIZE 8CM X 2CM ABOVE THE LEFT EYE BROW AND DEEP BONE INJURIES AND BLEEDING PRESENT.

3. LACERATED WOUND SIZE 8CM X 3CM BELOW LEFT MANDIBLE REGION AND BLEEDING PRESENT.

4. LACERATED WOUND PRESENT 6 CM ABOVE FROM LEFT EAR PINNA TEMPORO PERITAL REGION.

5. LACERATED WOUND SIZE 3 CM X 2CM DEEP MUSCLE INJURIES 6 CM ABOVE FROM THE RIGHT NIPPLE.

6. RIGHT EAR MULTIPLE LACERATED."

7. The statement of wife of the deceased *prima facie* reveals that her husband, the deceased was in good relations with Laxman Yadav, husband of Chandrawati Devi. Chandrawati Devi did not like her husband

because she was being visited by various persons at her house. The co-accused Bhikhari Yadav is one such person who used to visit Chandrawati. Lastly, she stated that the present accused applicant is in connection with Bhikari Yadav and along with him has committed murder of her husband. The CDR details shows regular conversation of applicant with co-accused. The police after arrest of the accused applicant has got recovered the brick which the accused has disclosed to be used to hit the deceased. The recovery of brick on disclosure statement are the matter of trial. As the case is of circumstantial evidence, where the motive and the chain of events is to be testified on the touchstone of the evidence. This Court do not find sufficient reasons to interfere in the criminal proceeding invoking the inherent jurisdiction, as the case does not qualify the ambit of rarest of the rare case.

8. The scope and ambit of the powers of the High Court invoking under Section 482 CrPC or 528 BNSS are very wide, but should be exercised with circumspection and in rarest of rare and appropriate cases. This power do not confer arbitrary jurisdiction to act according to whims and caprice and is used to prevent the abuse of process of law and for procuring the ends of justice. This preposition of law is enunciated in the cases of *Kurukshetra University Vs. State of Haryana reported in (1997) 4 SCC 451* and *the State of Haryana Vs. Bhajan Lal 1992 Supp(1) SCC 335* In the case of *Som Mittal Vs. Government of Karnataka (2008) 3 SCC 574*, Hon'ble the Supreme Court has given an expression of 'rarest of rare case', while describing the scope of Section 482 CrPC. This view is consistently maintained by Hon'ble the Supreme Court till the present day, which is settled by 'en' number of judgments, latest are *Naresh Potteries Vs. Aarti Industries 2025 SCC OnLine SC 18* and *Punit Beriwalla Vs. State (NCT) of Delhi 2025 SCC OnLine SC 983*.

9. Accordingly, the application is **dismissed**.

(Avnish Saxena,J.)

March 17, 2026

Sharad/-