

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3241 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- MADANPUR District- Aurangabad

Sonu Kumar, S/o Sri Dinesh Choudhary, Resident of Village- Khiriyawan,
P.S.- Madanpur, Distt- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi, W/o Late Ashok Paswan @ Pappu Paswan, Resident of Village-Khiriyawan Thakur Tola, P.S.- Madanpur, Distt- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv.
		Mrs. Meena Singh, Advocate
For the Respondent/s	:	Mr. Usha Kumari I, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-12-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 20.08.2022 passed by the learned 1st Additional
Sessions Judge, Aurangabad in connection with Madanpur P.S.
Case No. 256 of 2022, registered for the alleged offences under
Sections 272, 273, 304 and 120(B) of the Indian Penal Code and
Sections 3 (1)(a) and 3 (2) (v) of the Scheduled Castes and



Scheduled Tribes (POA) Act.

As per the prosecution case, the husband of the informant and some other persons lost their lives after consuming spurious liquor. The informant named a number of co-accused persons who were involved in manufacture and sale of this type of spurious liquor. The name of the appellant came up during investigation in the confessional statement of co-accused Umesh Chaudhary.

The learned senior counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant is not named in the FIR and no substantive material has come up against him during investigation. The appellant has been named by co-accused with other co-accused persons as one of the persons also selling the spurious liquor. He has been made accused merely on suspicion. The appellant has no concern with the alleged occurrence nor he is a seller nor consumer of the illicit spurious liquor. Learned counsel further submits that there would be no application of provisions of SC/ST (POA) Act against the appellant as he himself belongs to the Scheduled Caste Category. The appellant is in custody since 02.07.2022 and the charge sheet in this case has been submitted.

Learned Spl.PP opposes the prayer for bail submitting



that the appellant is a member of gang involved in trading of spurious liquor. Learned Spl.PP. further submits the appellant is accused in two other cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against this appellant to connect him with the offence as alleged and further considering the period of custody of the appellant along with submission of charge sheet against him, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Aurangabad in connection with Madanpur P.S. Case No. 256 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the appellant will be liable to
be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the
appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2022
Transmission Date	23.12.2022

