

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3224 of 2022

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

Suraj Kumar Son Of Bihari Prasad Resident Of Village- Khiriyawan, P.S.-
Madanpur, District- Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sarda Devi Late Ashok Paswan Alias Pappu Paswan Village Khiriyawan P S
Madanpur Distri Ct Aurangabad
3. Sarda Devi Wife Of Late Ashok Paswan @ Pappu Paswan Resident Of
Village- Khiriyawan, P.S.- Madanpur, District- Aurangabad

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3251 of 2022

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

DIVESH CHAUDHARY Son of Sri Dinesh Chaudhary 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 :

(In CRIMINAL APPEAL (SJ) No. 3224 of 2022)



For the Appellant/s : Mr. Rakesh Singh

For the Respondent no.1 : Mr. Usha Kumari 1

For the Respondent no.2 : None

(In CRIMINAL APPEAL (SJ) No. 3251 of 2022)

For the Appellant/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Usha Kumari 1

For the Respondent no.2 : None

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 19-01-2023 Despite valid service of notice nobody is present on behalf of the Respondent no.2/Informant.

Heard Ld. counsel for the appellants and Ld. APP for the State.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 20.08.2022, passed by the Ld. 1st Additional District and Sessions Judge, Aurangabad, in connection with Madanpur P.S. Case No. 256 of 2022, registered for the offences punishable under Sections 272, 273, 304, 120 (B) of I.P.C. and Sections 3 (1) (a), 3 (2) (v) of SC/ST (POA) Act, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that 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 the spurious liquor.

Ld. counsel for the appellants submits that the appellant are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the accused-appellants. He also submits that both cases are based on suspicion and hear-say. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that other co-accused has already been enlarged on bail by a coordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. App. (SJ) No. 3241 of 2022.

He further submits that the appellants have been languishing in jail since 02.07.2022 and 21.07.2022, respectively.

It has also been stated in paragraph no. 3 of the appeal that the appellant, namely, Suraj Kumar has been



made accused in three other cases and the appellant, namely, Divesh Chaudhary has been made accused in one other case.

It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 20.08.2022, passed by Ld. 1st Additional District and Sessions Judge, Aurangabad, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. 1st Additional District and Sessions Judge, Aurangabad, in connection with Madanpur P.S. Case No. 256 of 2022, on the following conditions:

(i) The appellants will make themselves available



for interrogation by a police officer/court as and when required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellants have criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.



Ld. counsel for the appellants is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

U		T	
---	--	---	--

