

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3428 of 2022**

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

Rohit Singh @ Golu @ Rohit Kuamr Singh, Son of Baidyanath Singh @
Baiju Singh, R/O Village- Guneri, P.S.- Gurua, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi, Wife of Late Ashok Paswan @ Pappu Paswan, R/O Village-
Khiriyavan, Thakur Tola, P.S.- Madanpur, Distt.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 03-05-2023

Vide order dated 12.04.2023, the informant/
respondent no.2 was ordered to be intimated through the
Superintendent of Police of the concerned district about the
proceeding taking place in this Court and learned Spl.P.P was
directed to do the needful in this regard. On the last date of
hearing, learned Spl.P.P. submitted that though the informant
was intimated through the Superintendent of Police of the
concerned district but probably due to short adjournment, the
informant could not appear. Today, there is no representation on
behalf of the informant/respondent no.2. Hence, the matter has
been put up for hearing.

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



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 05.09.2022 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 prosecution case, allegation against the petitioner and other co-accused persons is that they used to prepare spurious liquor and further used to supply it to the villagers and neighbouring people. The husband of the informant died after consuming such spurious liquor. A number of persons had also fallen seriously ill after consuming such spurious liquor.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case as the informant herself is hearsay witness. Only on the basis of vague allegation, the appellant has been made accused in this case. Otherwise there is no cogent or legal evidence against the appellant which can connect him to the alleged offence. A



number of FIR named co-accused persons have been granted bail by different Coordinate Benches of this Court vide orders dated 20.04.2023, 07.04.2023, 19.01.2023, 23.03.2023, 09.02.2023 and 23.03.2023 passed in Cr. Appeal (SJ)Nos. 3780 of 2022, 3291 of 2022, 3224 of 2022, 3937 of 2022, 4224 of 2022 and 3202 of 2022, respectively. The appellant is in custody since 22.08.2022 and the charge sheet in this case has been submitted. The learned counsel further submits that though the appellant is having criminal antecedent of similar nature, he is enjoying the privilege of bail in all these cases.

Learned Spl.PP opposes the prayer for bail submitting that the appellant is a member of gang involved in manufacturing and selling of spurious liquor.

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)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2023
Transmission Date	04.05.2023

