

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3866 of 2023

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

Surendra Sao @Surendra Kumar @ Surendra Saw Son Of Pun Saw Resident Of Village- Pakardih, Ps- Imamganj, Distt- Gaya, At Present Resident Of Village- Khiriyawan, Ps- Madanpur, Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Sharda Devi Wife Of Late Ashok Paswan @ Pappu Paswan Resident Of Village- Khiriyawan, Thakur Tola, Ps- Madanpur, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-10-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 1.8.2023 passed by learned Special Judge (SC/ST) cum 1st Additional District & Sessions Judge, Aurangabad in BP No. 880 of 2023 whereby the prayer for bail of the appellant in connection with Madanpur P.S. Case no. 256 of 2022 under Sections 272, 273, 304, 120(B) of the Indian Penal Code and sections 3(i)(a), 3(s)(v) of SC/ST Act was rejected.

As per allegation in the FIR, informant's husband had consumed spurious liquor resulting into his death. It is further



alleged that appellant along with other accused persons are indulged in trade of illicit liquor.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR. No specific allegation is levelled against the appellant. During investigation, his name has been surfaced in confessional statement of Umesh Chaudhary, who has already been enlarged on bail vide order dt. 7.4.2023 passed in Cr. Appeal (SJ) 3291 of 2022 and the case of the appellant stands on better footing to that of the co-accused. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. Accused is languishing in judicial custody since 27.07.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 1.8.2023 passed in B.P. No. 880 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Madanpur PS Case No. 256 of 2022 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Special Judge (SC/ST)-cum-1st Additional District
& Sessions Judge, Aurangabad.

(Sunil Kumar Panwar, J)

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