

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3780 of 2022

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

Nitish Kumar Son Of Sri Dinesh Chaudhary R/O Village- Khiriyawan, P.S.-
Madanpur, District- Aurangabad

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 20-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
06.09.2022 passed by learned 1st Additional Sessions
Judge, Aurangabad in connection with Madanpur P.S.
Case No. 256 of 2022 instituted for the offences
punishable under Sections 272, 273, 304, 120(B) of the
Indian Penal Code and Sections 3(i)(a), 3(2)(v) of the
SC/ST Act whereby his prayer for being released on bail
has been rejected.

The prosecution case as per F.I.R. 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 manufacturing and selling of the spurious liquor.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the appellant. He also submits that case is based on suspicion and hear-say. The investigation in this case is complete and charge-sheet has already been submitted. Moreover, other co-accused has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 19.01.2023 passed in Cr. App. (SJ) No. 3251 of 2022. The appellant is languishing in custody since 02.07.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the



appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 06.09.2022 passed by learned 1st Additional Sessions Judge, Aurangabad in connection with Madanpur P.S. Case No. 256 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned learned 1st Additional Sessions Judge, Aurangabad in connection with Madanpur P.S. Case No. 256 of 2022.

(Sunil Kumar Panwar, J)

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