

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3937 of 2022

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

Santosh Kumar @ Santosh Chaudhary @ Santosh Kumar Chaudhary Son Of
Hulash Chaudhary Resident Of Village - Chandi Asthan, P.S.- Amas, District -
Gaya.

... .. Appellant/s

Versus

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

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

12.10.2022 passed by learned 1st Additional District &

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(1)(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. 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 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 05.08.2022.



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 12.10.2022 passed by learned 1st Additional District & 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 District & Sessions Judge, Aurangabad in connection with Madanpur P.S. Case No. 256 of 2022.

(Sunil Kumar Panwar, J)

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