

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2615 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- VIJAYEPUR District- Gopalganj

-
1. CHHABILA @ RAM CHHABILA SAH Son of Uday Narayan Sah Resident of Majhawaliya, P.s.- Vijayipur, District - Gopalganj.
 2. Kitabuddin Miya Son of Idrish Miya Resident of Majhawaliya, P.s.- Vijayipur, District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithu Uraon Son of Late Sukra Uraon Resident of village- Marasilli, P.S.- Bharne, District - Gumala, (Jharkhand).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prince Kumar Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-04-2023 It is submitted that notice issued to respondent No.2 has been received by his mother and since they are residing in the same house service of notice on respondent No.2 may be treated to be validly service.

Considering the aforesaid submission, let service of notice on respondent No.2 be deemed to be validly served.

Heard learned counsel appearing on behalf of the appellants and the State.

This is an appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Patna Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST



Act') against the order dated 23.09.2021 passed by learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Gopalganj in connection with Vijayipur P.S. Case No. 52 of 2021, registered under Sections , 328, 302, 201/34 of the Indian Penal Code, Sections 3(2)(v) of the SC/ST Act and u/s 44 of Bihar Prohibition & Excise Amendment Act, 2018 whereby the prayer for anticipatory bail of appellants has been rejected.

As per prosecution case, uncle of informant along with 11 persons from his village went to brick kiln of Narshing Sah for earning livelihood. On 16.02.2021 at 5 o' clock Siriya Uraon, co-villager of the informant, informed him on phone that his uncle died. On 17.02.2021 the informant came to know that two more persons of his village have also died due to stomach ache. The informant came to know that due to consumption of illicit liquor his uncle and other two persons might have died.

It is submitted on behalf of appellants that though the appellants are named in the FIR but only allegation against them is that they sent the dead body to the village of informant and except that there is no other allegation against these appellants.

However, learned counsel for the State vehemently opposed the prayer for anticipatory bail and submitted that appellants are named in the FIR.

Considering the facts and



circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Gopalganj in connection with Vijayipur PS Case No. 52 of 2021, subject to condition as laid down u/s 438(2) of the Cr. P. C.

Accordingly, the impugned order is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

BKS/-

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

