

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8586 of 2023

Arising Out of PS. Case No.-50 Year-2021 Thana- BHEJA District- Madhubani

1. SANTOSH CHAUPAL S/O RAJENDRA CHAUPAL Resident of village- Kharik, P.S.- Bheja, District- Madhubani.
2. RAJENDRA CHAUPAL S/O LATE MOHAR CHAUPAL Resident of village- Kharik, P.S.- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Bheja Police Station Case No. 50 of 2021, dated 09.06.2021, disclosing offences under Sections 341/323/324/302/504/506/34 of the Indian Penal Code.

The prosecution story, on the basis of First Information Report, is that on 09.06.2021 at about 04:00 pm, co-accused Ranjit Chaupal and Saroj Chaupal teased the sisters of the informant, who made a complaint about the conduct of the Ranjit Chaupal and Saroj Chaupal to her father. The father of the girls went to the house of Ranjit Chaupal and Saroj Chaupal to make a complaint about their act to their father, upon which, all the accused persons along with petitioners assaulted



the father of the informant and it has been alleged that co-accused Sahdev Chaupal assaulted the father of the informant on his head with dabiya and the co-accused Ranjit Chaupal assaulted the informant by means of lathi on his head, due to which he died.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and they have falsely been implicated in this case due to some dispute between the family of the informant and Mahendra Chaupal. He next submits that from perusal of the First Information Report, it would be evident that the specific allegation of assault on the deceased is upon co-accused Sahdeo Chaupal and Ranjit Chaupal and no overt act has been alleged against the petitioners. He further submits that similarly situated co-accused persons, namely, Ranjit Chaupal, Mahendra Chaupal, Saroj Chaupal, Mithilesh Chaupal, Vinod Kumar Chaupal, Fulia Devi have been granted bail by Co-ordinate Benches of this Court in Criminal Miscellaneous No. 7506/21436/36831/24777 of 2022, respectively. He next submits that the petitioners are in custody since 14.10.2022, having no criminal antecedent.

Regards being had to the submissions made by the parties and taking into consideration the materials available on



record and the fact that there is no allegation that the petitioners have assaulted the deceased and similarly situated co-accused persons have been granted bail by Co-ordinate Benches of this Court, the petitioners are in custody since 14.10.2022 and charge-sheet has already been submitted against them and there is no likelihood that the petitioners will abscond and/or temper with evidence, accordingly, I am inclined to grant regular bail to the petitioners.

This application is accordingly allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Madhubani, in connection with Bheja Police Station Case No. 50 of 2021.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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