

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34380 of 2024

Arising Out of PS. Case No.-86 Year-2022 Thana- SAKATPUR District- Darbhanga

1. Bhairav Chaupal @ Bhairav Kumar, aged about 24 years, Gender-Male, Son of Late Nakchhedi Chaupal, Resident of Village-Srirampur Durgah Tola, P.S. - Sakatpur, District – Darbhanga.
2. Umesh Chaupal, aged about 54 years, Gender-Male, Son of Mohan Chaupal, Resident of Village-Srirampur Durgah Tola, P.S.-Sakatpur, District– Darbhanga.
3. Laddu Lal Chaupal @ Ram Laddu Chaupal, aged about 41 years, Gender-Male, Son of Garhai Chaupal, Resident of Village-Srirampur Durgah Tola, P.S. - Sakatpur, District – Darbhanga.
4. Madan Chaupal, aged about 29 years, Gender-Male, Son of Late Baidyanath Chaupal, Resident of Village-Srirampur Durgah Tola, P.S. - Sakatpur, District – Darbhanga.
5. Bahru Chaupal @ Bahura Chaupal, aged about 42 years, Gender-Male, Son of Baleswar Chaupal, Resident of Village-Srirampur Durgah Tola, P.S. - Sakatpur, District – Darbhanga.
6. Ramesh Chaupal, aged about 49 years, Gender-Male, Son of Mohan Chaupal, Resident of Village-Srirampur Durgah Tola, P.S. - Sakatpur, District – Darbhanga.
7. Ram Khelawan Chaupal, aged about 64 years, Gender-Male, Son of Late Buni Chaupal, Resident of Village - Srirampur Durgah Tola, P.S. - Sakatpur, District – Darbhanga.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Baidya Nath Prasad, Advocate
For the Opposite Party	:	Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sakatpur P.S. Case No. 86 of 2022 dated



28.09.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 506 and 509 of the I.P.C. and Sections $\frac{3}{4}$ of the Witch (*Daain*) Practices Act.

3. As per the prosecution case, on 26.09.2022, the son of Shyam Chaupal, namely, Aush aged about 2½ years, was missing. He started searching his son but the boy could not be traced out. On 27.09.2022, his dead body was found under the constructed house of the informant and thereafter, the petitioners and the co-accused persons entered the house of the informant saying that she killed the boy and kept in her house and the accused persons assaulted Bulanti Devi, the mother-in-law of the informant, saying her *Daain*. It is further alleged that the co-accused Lalu Chaupal and Ganga Chaupal pour petrol on her mother-in-law, in the meantime, police reached there and saved her life. The accused persons also abused and pushed the police.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. The petitioners are only the members of the mob. There is no specific allegation alleged against the petitioners. The other co-accused person has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc.



No. 77165 of 2023 under order dated 04.01.2024, annexed as Annexure-2 to the present bail petition. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Darbhanga in connection with Sakatpur P.S. Case No. 86 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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