

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64138 of 2024

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

1. Radhe Shyam Chaupal, Male, aged about 36 years, S/o- Dhyani Chaupal, R/o - Srirampur, Tole Dargah, P.S - Sakatpur, District - Darbhanga, Bihar.
2. Somen Chaupal, Male, aged about 32 years, Son of Baleshwar Chaupal, R/o - Srirampur, Tole Dargah, P.S - Sakatpur, District - Darbhanga, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioners and learned A.P.P. 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, 509 of the I.P.C. and Section 3/4 of the Witchcraft Act.

3. As per the prosecution case, on 26.09.2022, the son of Shyam Chaupal, namely, Ayush aged about 2½ years, was missing. The villagers started searching his son but the boy could not be traced out. On 27.09.2022, a hulla was raised that the dead body of the boy was found under constructed house of



the informant, on which, the accused persons entered her house saying that she killed the boy and kept in her house and the accused persons assaulted her and her mother-in-law Bulanti Devi saying her Dian. It is further alleged that the co-accused Lalu Chaupal and Ganga Chaupal poured 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 falsely been implicated in the present case. It is submitted that both parties are the co-villagers. There is general and omnibus allegation against the petitioners. It is submitted that the petitioners have no concern with the alleged offence. No incriminating article has been recovered from their possession. They were not present on the alleged date and time of occurrence. The other co-accused Chander Chaupal @ Chandan Chaupal @ Chandan Choupal 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. 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 before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. 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 Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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