

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76918 of 2024

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

1. Sriram Chaupal S/o- Thakai Chaupal R/vill - Shri Rampur Dargah Tola, P.S - Sakatpur, Distt- Darbhanga
2. Shrawan Chaupal Son of Thakai Chaupal @ Pachkauri Chaupal R/vill - Shri Rampur Dargah Tola, P.S - Sakatpur, Distt- Darbhanga
3. Ganga Chaupal @ Ganga Ram Chaupal S/o- Thakai Chaupal R/vill - Shri Rampur Dargah Tola, P.S - Sakatpur, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present bail application with respect to the petitioner no. 1 i.e. Sriram Chaupal, who has already been arrested.

Permission is accorded.

Accordingly, the present bail application is dismissed as withdrawn with respect to petitioner no. 1.

3. 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.

4. As per the prosecution case, on 26.09.2022, the son of Shyam Chaupal, namely, Ayush aged about 2½ years, was missing. He started searching for 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 (petitioner) 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.

5. 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. 34380 of 2024 under order dated 02.08.2024. The petitioners have one criminal antecedent as stated in paragraph no. 3 of the bail application.

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

7. 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 Court concerned, 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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