

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37471 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Mahatam Baitha, S/o Late Jag Baitha,
2. Satish Baitha, S/o Sri Mahatam Baitha
3. Dharmesh Baitha, S/o Sri Gani Baitha, All resident of village- Lachnauta,
P.S.- Gaunaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh-I (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 26-03-2015 The petitioners herein are figured as accused in Gaunaha P.S. Case No.42 of 2014. The allegations made against them are referable to Sections 341, 323, 354, 504 and 34 of the Indian Penal Code.

The complainant stated that the accused are neighbours and on the date of complaint, i.e. 07.04.2014, the accused gathered nearby her house and when she objected to that, one Ghani Baitha, who is not the petitioner, pushed her to the ground by holding her hair and other had beaten her.

ABP No.836 of 2014 filed by the petitioner before the court of learned Sessions Judge, West Champaran, Bettiah was dismissed on 11.08.2014. Hence, this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

Heard learned counsel for the petitioner and learned APP for the State.

Of the various sections mentioned in the FIR, only Section 354 of the Indian Penal Code is non-bailable. This Court, *prima facie*, finds that there was no intention on the part of the petitioners to outrage the modesty of the complainant and the alleged pushing her to the ground has taken place in the scuffle for possession over the property. For investigation into such an offence, the arrest of the petitioners is not necessary. However, they shall be under obligation to appear before the police or cooperate in the investigation.

Hence, this application is allowed. In the event of arrest, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran at Bettiah in connection with Gaunaha P.S. Case No.42 of 2014, subject to the condition that

the petitioner shall appear before the concerned police station on 6th April, 2015 at 10. 30 A.M. and the police shall, in turn, take necessary steps that are needed for the investigation.

(L. Narasimha Reddy, CJ)

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