

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4094 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -MAHILA P.S. District- LAKHISARAI

- =====
1. Dhoro Mandal, S/o Pawan Mandal
2. Ashok Mandal S/o Gono Mandal Both are resident of Mohalla Jai Nagar,
Bari Kabiya, P.S.+District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323,341,354(A)(1),354(B),504,506 and 379/34 of the Indian Penal Code.

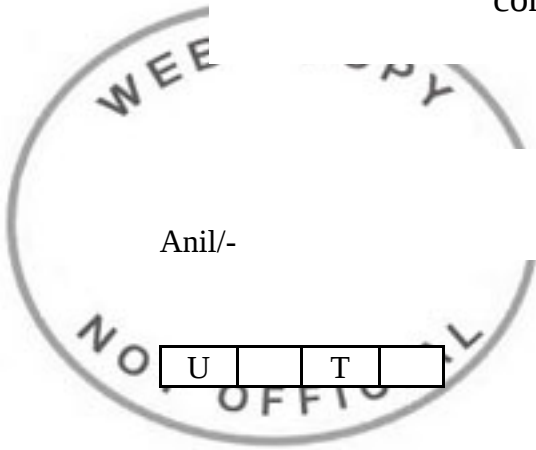
The prosecution case is that in the background of a dispute for throwing garbage on 4.11.2015 at 8 AM the accused persons assaulted the informant Nibha Kumari and her mother in law. Co accused Sunita Devi and Shobha Devi snatched gold chain from the informant. It is alleged against the petitioners that due to their assault the blouse of

the informant got torn and her sari fell down as a result she became naked.

It is submitted by the learned counsel for the petitioners that the accusation of snatching chain is against co accused Sunita Devi and Shobha Devi who have been granted anticipatory bail by the learned court below. The only accusation against the petitioners is that they made assault, as a result the informant got naked hence the offence under section 354B IPC is alleged but the offence under section 354B IPC is only made out when the assault or use of criminal force is made with the intention to disrobe a woman. The intention of the petitioners was not to disrobe the informant.

Considering the genesis of the occurrence coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Lakhisarai in connection with

Lakhisarai Mahila P.S. Case No.32 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)