

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6743 of 2019

Arising Out of PS. Case No.-128 Year-2018 Thana- GAUNAHA District- West Champaran

1. Rajkeshwar Baitha, aged about 45 years, male, Son of Bhikham Baitha
2. Birendra Baitha aged about 30 years, male, Son of Late Ramdeo Baitha
3. Ajay Baitha@ Ajay Kumar Baitha aged about 24 years, male, Son of Late Ramdeo Baitha

All three are Resident of Village- Balua, P.S.- Gaunaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 354(c), 147, 341, 323, 324, 504 and 506 of the Indian Penal Code and Section 12 of the POCSO Act.

The prosecution case as per the written report of Nilu Kumari dated 11.11.2018 submitted to S.H.O., Gaunaha Police Station is to the effect that on 10.11.2018 at about 4.30. P.M., the informant was taking bath in her hutment, in the meantime, the informant saw that the neighbour of the informant, Chandan Kumar Rajak is recording from his mobile phone for the



purpose of preparing a video. On seeing that, the informant tried to catch hold the co-accused, Chandan Kumar Rajak, but he escaped from the scene. Thereafter, the informant disclosed the incident to her parents in the evening, whereupon the father of the informant went to the house of the co-accused, Chandan Kumar and enquired about the same from his parents, then all the accused persons including the petitioners abused and assaulted the father of the informant.

It is submitted by learned counsel for the petitioners that petitioner no.1 is father of the co-accused, Chandan Kumar and petitioner nos.2 and 3 are relatives of petitioner no.1 and the thrust of accusation is against the co-accused, Chandan Kumar. Moreover, no case under the Information Technology Act has been registered against the petitioner, the only specific accusation of assaulting the father of the informant, but the same has not been corroborated by any medical report. It is further submitted that there is also a counter version of the case, being Bettiah SC/ST P.S. Case No. 59 of 2018.

It is submitted by learned APP for the State that the petitioners are named in the FIR and assaulted the father of the informant.

Considering the fact that thrust of accusation is



against the co-accused, Chandan Kumar, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any 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 12 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 the learned **Additional District and Sessions Judge-Ist cum-Special Judge, Bettiah, West Champaran** in connection with **Gaunaha P.S. Case No.128 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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