

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28722 of 2020

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

1. DEENANATH BAITHA Son of Late Ramdev Baitha Resident of Village - Balua, P.S.- Gaunaha, District - West Champaran
2. Rambha Devi Wife of Rajkeshwar Baitha Resident of Village - Balua, P.S.- Gaunaha, District - West Champaran
3. Rani Kumari Daughter of Rajkeshwar Baitha 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 Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Ganesh Prasad Singh, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.



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

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Gaunaha P. S. Case no. 128 of 2018 instituted for the offence under Sections 147,341,323,324,354C, 504 and 506 of the Indian Penal Code and Section 12 of the POCSO Act.

Petitioners are amongst the accused persons against whom allegation has been made that they have abused and assaulted the father of the informant when he went to the house of co-accused, namely Chandan Kumar Rajak to lodge his protest that co-accused, Chandan Kumar had allegedly made a video clipping of the informant while she was bathing.

It is submitted by the petitioners' counsel that others, similarly situated against whom, there is general and omnibus allegation, including co-accused Rajkeshwar Baitha, Birendra Baitha and Ajay Baitha @ Ajay Kumar Baitha are allowed anticipatory bail on 06.02.2019 in Cr. Misc. No. 6743 of 2019 and even co-accused Chandan Kumar Rajak has also been allowed



anticipatory bail in Cr. Misc. No. 21304 of 2019. It is further submitted that against the petitioners the final form was submitted. However, differing with the final form cognizance has been taken by the learned Court below. The petitioners bear a clean antecedents.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge 1st-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) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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