

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26780 of 2020

Arising Out of PS. Case No.-115 Year-2019 Thana- BEN P.S. District- Nalanda

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1. SUNIL KUMAR MISTRI Son of Baso Mistry Resident of Village - Mahmadpur, P.S. - Ben, District - Nalanda.
 2. Nirmala Devi Wife of Sunil Kumar Mistri Resident of Village - Mahmadpur, P.S. - Ben, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 05-01-2021

Heard learned counsel for the parties.

The petitioners are apprehending arrest in connection with Ben P.S. Case No. 115 of 2019 registered for the offences under Sections 366(A)/34 IPC and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

Learned counsel for the petitioners submits that the petitioners are husband and wife. The informant is not the eye witness of the occurrence and the entire case is based on suspicion.

Considering the nature of allegation against the petitioner No. 1, Sunil Kumar Mistri, the Court is not inclined to grant privilege of anticipatory bail to him. The prayer for



anticipatory bail of petitioner No. 1 is, accordingly, rejected.

However, in the event the petitioner no. 1 surrenders and prays for regular bail, the court below shall dispose of the application on the same day without being prejudiced by refusal of his anticipatory bail by this Court.

So far as the petitioner No. 2, Nirmala Devi is concerned, considering the fact that she is lady having no criminal antecedent, the Court is inclined to grant privilege of anticipatory bail to petitioner No.2, Nirmala Devi. Let the petitioner No. 2, in the event of arrest or surrender within a period of one month from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-I, Nalanda at Bihar Sharif in connection with Ben P.S. Case No. 115 of 2019, subject to the condition as laid down under Section 438(2) Cr.P.C.

(Anil Kumar Upadhyay, J)

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