

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7929 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- MAHILA PS District- Jehanabad

1. Raghu Mohan Mistry @ Raghumohan Mistry S/o- Arjun Mistry Resident of Village- Balua, Ps- Belaganj, Dist- Gaya
2. Babita Devi W/o- Raghu Mohan Mistry Resident of Village- Balua, Ps- Belaganj, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajiya Devi @ Rajiya Mistry W/o- Raghu Mohan Mistry, D/o- Ram Prit Mistry Village- Nehalpur Tola Dayali Bigha Ps- Paras Bigha Dist- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Nityanand Neeraj, Advocate Ms. Kumari Anjani Sinha, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2025 Heard Mr. Nityanand Neeraj, learned counsel appearing on behalf of the petitioners and Mr. Umeshanand Pandit, learned APP appearing for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 376 and 506 of the Indian Penal Code and Sections 4 and 12 of the POCSO Act.

3. The prosecution case, in brief, is that informant was married with Petitioner No. 1 22 years ago and from the wedlock, she has a female child and two male child. It is alleged



that Petitioner No. 1 filed a false case in Jehanabad Court and in that case, daughter of informant deposed her evidence and during course of investigation, she disclosed about physical torture before the Court and thereafter, disclosed that co-accused Kalli Mistry had done wrong with her.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Petitioner No. 1 is husband of informant and he is residing in Mumbai with Petitioner No. 2. As per F.I.R., date of occurrence is 24.06.2024 whereas the current F.I.R. has been lodged after inordinate delay of 3 months and 15 days on 09.09.2024 and there is no plausible explanation for the same. It further submitted that the present case has been lodged after filing of complaint case bearing Complaint Case No. 720 of 2018 and matrimonial case bearing Matrimonial Case No. 163 of 2018 by Petitioner No. 1 against informant, which are still pending for consideration. There is no specific accusation of overt act against these petitioners. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.



6. Considering the aforesaid facts and circumstances, nature of accusation, case and counter-case between the parties and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to these petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge, VI-cum-Special Judge (POCSO), Jehanabad in connection with Jehanabad Mahila P.S. Case No. 48 of 2024, subject to condition as laid down under Section 482 of the B.N.S.S..

(Prabhat Kumar Singh, J)

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