

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24548 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- GAMAHARIYA District- Madhepura

Priyanka Kumari @ Pinki Kumari D/O Mahesh Prasad Yadav @ Mahesh Kumar R/o village- Itahri (Ratanpura), P.S.- Ghailarh, District- Madhepura
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate Mr. Binod Kumar Sinha, Advocate Mr. Ashok Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the informant	:	Mr. Ranjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends her arrest in connection with Gamhariya P.S. Case No.57 of 2021 instituted under Sections 302/120B/34 of the IPC.

As per the prosecution story, the unfortunate grand father of the 12 years old Satyam lodged FIR that the deceased was a student of St. Michael's Play School, Gamhariya. On the eve of Holi, when the school was closed they went to pick him up but the Director, Gaurav Kumar did not allow them to meet him on the pretext that the dues have not been cleared. Subsequently, they went along with the fee /arrears, again they were prohibited from meeting. Further in the morning, Gaurav



Kumar informed about the illness of Satyam Kumar and when they rushed to Madhepura Medical College found him dead. The allegation is that Satyam had earlier told his mother that he has to confide something but cannot tell in front of Gaurav Kumar. As they had real apprehension that he has been killed, the FIR against the Director, Gaurav Kumar as also the teachers, staffs lodge.

Learned counsel for the petitioner submits that she was serving as a Teacher in the school, nothing to do with the alleged occurrence and only because she was part and parcel of the said school her name has come in the case diary.

Learned counsel for the informant on the other hand submits that as per the observation of the learned Sessions Judge in para-71 of the case diary, the implication of the lady has come.

Having gone through the rival contentions as also the FIR it, seems the main accused is Gaurav Kumar who did not allow earlier the informant's side to meet the deceased boy for want of fee and further the boy had also confided to his father about something wrong done by the said Gaurav Kumar.

As per the submission of the learned counsel for the petitioner she is in custody and trial is on against her.



Considering all the aforesaid facts including that the petitioner is lady, having no criminal antecedents, case has been lodged, her name included, ultimately she will have to face the trial, this Court is inclined to grant her privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Gamhariya P.S. Case No.57 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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