

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2541 of 2023

Arising Out of PS. Case No.-269 Year-2021 Thana- BANMANKHI District- Purnia

Baby Kumari @ Bebi Kumari Yadav W/O Vivekanand Yadav R/O Village-
Banmankhi, Ward No.3 Gyan Ganga Public School, P.S.-Banmankhi, Dist.-
Purnea

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Munni Devi Dipak Paswan Resident of Village- Haripurkala, Ward No.-15
P.S.-Bhargama, District- Arariya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivnandan Sah
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 21-09-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant
against the order dated 3.5.2023 passed by learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST Act, Purnea whereby
the prayer for bail of the appellant in connection with
Banmankhi P.S. Case no. 269 of 2021 under Section 3(i)(r)(w),
3(2) (va) of the SC/ST Act and Section 341, 323, 342, 325,
307/34 of the Indian Penal Code was rejected.

It is a case of assaulting to the two children of the
informant in school premises and twisted their hands and heads



by the appellant, who is teacher of Gyan Ganga Public School.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the cast name of the informant in public view. There is delay of seven days in lodging the FIR. In fact, on the alleged date of occurrence, school was closed so there is doubt in authenticity of the prosecution story. Witnesses are teachers as well as students and there is contradictory in their statements. No offence is made out under the provisions of the SC/ST Act against them. Appellant is a lady. She has got no criminal antecedent and languishing in judicial custody since 2.4.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 3.5.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Banmankhi PS Case No. 269 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned 1st Additional Sessions Judge-cum-Special Judge,
SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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