

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2210 of 2023

In
CRIMINAL MISCELLANEOUS No.8946 of 2023

Arising Out of PS. Case No.-72 Year-2019 Thana- KHUTAUNA District- Madhubani

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MUNMUN VERMA @ KISHAN @ MUNMUN KUMAR VERMA SON OF
KASHI NATH VERMA R/O-KHARHATANR, P.S.-SIMRI, DISTT.-BUXAR

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mrityunjay Kumar

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 20-11-2024 1. Heard the parties.

2. The appellants apprehend their arrest in connection with Khutauna P.S. Case No. 72 / 2019 registered for the offence under Section 341, 323, 376, 34 of the IPC and Section 3 (1)(w) of the SC/ST Act and being aggrieved by the order dated 15.09.2021 passed by learned 1st Addl. Sessions Judge , Madhubani in A.B.P. No. 908 of 2021 has preferred this appeal for grant of anticipatory bail.

3. As per the first information report the informant was working as a cook in a residential school in the name and style St. Teresa English School. During her tenure as cook, it has been alleged that the appellant and other accused person tried to sexually harass the informant due to which the informant left



her job. On 06.07.2019 the appellant and other accused person allured the husband of the informant to send her for the purpose of working as a cook and when the informant along with her husband went to school premises on 07.07.2019 at about 7.00 in the morning to convey that she was not interested in working in the school, then the appellant along with other accused person started abusing and assaulting the informant and they also outraged the modesty of the informant and when her husband protested, he too was abused by his caste name.

4. Learned counsel for the appellant submits that the appellant was working as a teacher in the school in question. The school management was not paying salary for Sunday to the informant due to which the informant was not willing to work in the school. The informant was demanding some arrears from the school management and due to that dispute the appellant and other accused person, who was also a teacher have been made accused in order to put pressure upon the management of the school. The allegation of calling the caste name of the informant's husband in the school premises on Sunday in the morning at 7:00 O' Clock cannot be said to be in full public view because at 7:00 O' Clock on Sunday morning no body is supposed to be there in the school premises.



5. On the other hand, learned counsel for the informant vehemently opposed prayer for anticipatory bail and submits that allegation against the appellant and other accused person is specific in nature. The appellant has sexually harassed the informant taking advantage of his position and also abused her husband by his caste name in public place i.e. school.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that F.I.R has been lodged after a delay of eight days and caste name was not taken in full public view on Sunday morning at 7:00 A.M. in the school premises, I am inclined to grant anticipatory bail to the appellant.

7. Accordingly, the order dated 15.09.2021 passed in A.B.P. No. 908 of 2021 arising out of Khutauna P.S. Case No. 72 of 2019 passed by 1st Additional Sessions Judge, Madhubani is hereby set aside.

8. Let the appellant, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Madhubani in connection with Khutauna P.S. Case



No. 72 of 2019 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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