

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4114 of 2023

Arising Out of PS. Case No.-485 Year-2023 Thana- SHERGHATI District- Gaya

Bandana Kumari @ Bandana Rani @ Bandna Rani W/O Dilip Kumar Gram Koiri Bigha, Ps- Raushanganj, Dist- Gaya, Bihar- 824217 At Present New Indira Gandhi Residential School, Charki Road, Near Exchange Kathar More, Ps- Sherghati, Gaya, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Paswan Son Of Late Chanarik Paswan R/O Angra, Ps- Dhobhi, Dist- Gaya, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Avanish Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-01-2024 Heard learned counsel for the appellant, informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 01.08.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya, whereby the prayer for bail of the appellant in connection with Sherghati P.S. Case No. 485 of 2023 under Sections 302/34 of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of brutally assaulting the son of the informant leading to his death.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case. There is no specific overt act against the appellant. He submitted that the Dr. Shalabh Samdarshi found the condition of the student very serious and without admitting the boy, advised for his immediate admission in a government hospital. The student Ankit (deceased) was immediately taken to the Government Referral Hospital, Sherghati by Raushan Kumar and other school students, where the appellant also reached and the condition of the child was given to the informant but unfortunately, the child was declared dead in the hospital. There is no accusation against the appellant of either assault or of any wrong doing, only being the Director-cum-Principal of the school, where the deceased student studied, the appellant has been made accused in the present case. She has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against her. The appellant has no intention to disgrace the image of the informant in public view. She is languishing in judicial custody since 13.05.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and



taking into consideration as well as appellant being a lady, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.08.2023 arising out of Sherghati P.S. Case No. 485 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sherghati P.S. Case No. 485 of 2023 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 Exclusive Special Judge, SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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