

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1810 of 2024

Arising Out of PS. Case No.-177 Year-2022 Thana- BEERPUR District- Begusarai

Kshama Kumari W/O Ranjeet Singh R/O Village- Naula, P.S- Bhagwanpur,
Distt.- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr.Advocate
	:	Mr.Braj Bhusan Poddar, Advocate
For the Opposite Party/s :		Mr.Narendra Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Yogesh Chandra Verma, learned senior
counsel appearing for the petitioner and Mr.Narendra Kumar
Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Birpur P.S.Case No.177 of 2022,FIR dated
14.12.2022 registered for the offences punishable under
Sections 302/34 of IPC and Sections 4,6,21 of the POCSO Act.

3. As per prosecution case, the dead body of minor
daughter of the informant was found hanging in her classroom.
The petitioner is Headmistress in the said school and she has
been made accused in this case along with other co-accused
persons who are school teachers and the guard of the school for
sexual assault and murder of the daughter of the informant.



4. Learned senior counsel for the petitioner submits that the petitioner has clean antecedent. She has falsely been implicated in the present case. In fact the petitioner is Headmistress of the School in question and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner. In fact the victim has committed suicide herself and she has also written a suicide note which was found by the prosecution. Further submits that the police, after investigation, submitted final form in favour of the petitioner and other similarly situated persons and the learned court below, differing with the final form, has taken cognizance against the petitioner and other co-accused persons. Further submits that co-accused persons, namely, Arun Kumar Rai and Anil Kumar have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 18.01.2024 passed in Cr.Misc.No.85755 of 20213.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge POCSO Act, Begusarai in connection with Birpur P.S.Case No.177 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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