

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5606 of 2024

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

Jyoti Rekha Kumari Wife of Amarjeet Kumar Resident of Village- Dihpar @
Dihpur, ward no. 05, Police Station- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Birpur P.S. Case No. 177 of 2022 dated 14.12.2022, instituted
for the offence punishable under Sections 302/34 of the Indian
Penal Code along with Sections 4, 6/21 of the POCSO Act.

3. As per the prosecution case, the dead body of the
minor daughter of the informant was found hanging in her class
room. The petitioner is an assistant teacher in the said school
and she had been made accused in this case along with the
headmistress and other teachers and staff for sexual assault and
murder of the daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and she has falsely been implicated in this



case. It is submitted that there is no specific allegation of any assault or overt act attributed against the petitioner. It is further submitted that in fact, the victim has committed suicide herself and she has also written her suicide note, which was found by the prosecution. He further submits that the police, after investigation submitted final form in favour of the petitioner and other co-accused and the learned Court below, differed the final form and has taken cognizance against the petitioner and other co-accused. It is further submitted that other co-accused have been granted bail by different co-ordinate Bench of this Court on different dates (*Kshama Kumari in Cr. Misc. No. 1810 of 2024 vide order dated 31.01.2024*, *Lalitesh Kumar Lalit in Cr. Misc. No. 3234 of 2024 vide order dated 12.02.2024*, *Ram Kailash Pandit in Cr. Misc. No. 3238 of 2024 vide order dated 12.02.2024* and *Arun Kumar and Anil Kumar in Cr. Misc. No. 85755 of 2023 vide order dated 18.01.2024*). Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six weeks from today, in connection with Birpur P.S. Case No. 177 of 2022 she shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. -VI-cum- Special Judge, POCSO Act, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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