

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5415 of 2024**

Arising Out of PS. Case No.-326 Year-2024 Thana- BAHERI District- Darbhanga

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Ram Kumar Mandal S/o Late Mahavir Mandal Resident of Village- Baheri  
West, PS- Baheri, District- Darbhanga

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Dipak Kumar Bharti S/o Ram Sevak Mandal R/o vill - Sri Ram Pipra, P.S. -  
Pattor, Distt.- Darbhanga

... .. Respondent/s

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**Appearance :**

|                     |   |                                 |
|---------------------|---|---------------------------------|
| For the Appellant/s | : | Mr. Rahul Singh, Advocate       |
| For the State       | : | Mr. Binay Krishna, Special P.P. |
| For the Resp. No.2  | : | Mr. Mohit Agarwal, Advocate     |
|                     |   | Mr. Aman Kumar, Advocate        |

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      12-11-2025                      Heard Mr. Rahul Singh, learned counsel for the  
  
appellant, Mr. Mohit Agarwal, learned counsel for the  
  
respondent no.2 and Mr. Binay Krishna, learned Special P.P. for  
  
the State.

2. The instant appeal has been preferred by the  
  
appellant under Section 14A(2) of the Scheduled Castes and  
  
Scheduled Tribes (Prevention of Atrocities) Act, 1989  
  
(hereinafter referred to as the ‘SC/ST Act’), for setting aside the  
  
order dated 19.11.2024 passed by the Court of the learned  
  
Exclusive Judge SC/ST (POA) Act, Darbhanga, in Anticipatory  
  
Bail Application No. 30 of 2024 arising out of Baheri P.S. Case  
  
No. 326 of 2024, registered for the offences punishable under



Sections 103(1), 238 and 3(5) of the Bharatiya Nyaya Sanhita (in short, 'BNS') and Section 3(2)(v) of the SC/ST Act, by which the appellant's prayer for anticipatory bail has been rejected.

3. The main submissions advanced by the appellant's counsel are that the appellant was the headmaster of Kasturba Gandhi Girls Residential School, Baheri, Darbhanga, and the alleged occurrence relating to the unnatural death of the informant's minor daughter took place on 15.09.2024. On that day, the appellant was on leave, having proceeded on leave since 02.09.2024, and in this regard, a letter issued by the District Education Officer, Darbhanga (Annexure-3), may be perused, which shows that the appellant was on leave since 02.09.2024. Further, in this regard, the charge report given by the appellant at the time of proceeding on leave is also relevant, which is Annexure-2 series, showing that charge had been handed over to a Senior Assistant Teacher of that school, namely, Chandrawati Kumari. The appellant has been made an accused mainly on account of being the headmaster of the said residential school, but in the entire FIR as well as in the evidence collected by the I.O. up till now, no kind of involvement of the appellant in the commission of the alleged



occurrence or in the unnatural death of the victim has surfaced. It is further submitted that as per the postmortem report of the deceased, the cause of death has been opined as asphyxia due to hanging, and the allegation is that, on account of the missing of Rs. 1,000/- belonging to the warden of the school, the deceased was suspected of having stolen that amount, resulting in scolding by the warden, owing to which the deceased committed suicide. In this regard, the FIR itself, as well as the statements of the witnesses recorded during the investigation, are relevant. Further, the statement of the most important witness, the sister of the deceased, namely, Shakshi Kumari, who was also studying in that residential school along with the deceased, is also relevant, and she did not reveal any kind of complicity of the appellant in the commission of the death of the victim as well as in the alleged occurrence or in the offences detailed in the FIR. It is lastly submitted that, in view of the materials available, the offences of the SC/ST Act under which the FIR has been registered do not even *prima facie* attract against the appellant, and with respect to other offences under the BNS, there is nothing to show the petitioner's role. Even the commission of the said offences is also highly doubtful, as the instant matter relates to the occurrence of suicide only.



4. On the other hand, Mr. Mohit Agarwal, learned counsel appearing for respondent no. 2, has vehemently opposed the prayer of the appellant and submits that during the course of investigation, the hard disk relating to the CCTV cameras containing relevant footage was not provided by the school staff to the investigating officer and the victim died under suspicious circumstances. The appellant was admittedly the headmaster of that school at that time. Though learned counsel has opposed the prayer of the appellant but he fairly accepts that there is nothing against the appellant and he has been made an accused mainly on account of non-fulfillment of his responsibilities arising in his capacity as headmaster of the said residential school.

5. Learned Special P.P. appearing for the State has also opposed the prayer of the appellant.

6. In the facts and circumstances of this case, and considering the aforesaid submissions, and mainly the fact that the prosecution has failed to point out any incriminating material or evidence against the appellant, even to show his *prima facie* role in the commission of the alleged offences, and as per the postmortem report, the cause of death of the deceased has been opined as asphyxia as a result of hanging, and further, the appellant was on leave on the day of the alleged occurrence,



having proceeded on leave on 02.09.2024 after handing over charge to a Senior Assistant Teacher of the said school, and in this regard, a letter has also been issued by the District Education Officer, Darbhanga and this Court finds no material to show the appellant's involvement in the alleged occurrence even *prima facie*. Therefore, the appellant's prayer is not hit by the provisions of Section 18 of the SC/ST Act, and the appellant deserves the relief of anticipatory bail. Accordingly, let the appellant named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Judge SC/ST (POA) Act, Darbhanga, in connection with Baheri P.S. Case No. 326 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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