

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5596 of 2024

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

Rekha Sinha W/O Subhash Chandra Sinha Village- Patauna, P.S.- Khirimor,
District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Deepak Kumar Bharti S/O Ramsevak Ram R/O Vill.- Shriram Pipra, P.S.-
Patoar, Dist.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ansul, Sr. Adv. Mr. Anuj Kumar, Adv.
For the Respondent/s	:	Mr. Mohit Agrawal, Adv. Mr. Vikash Khanna, Adv.
For the State	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 31-07-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 17.10.2024 passed by the learned Special Judge SC/ST(PoA) Act, Darbhanga in SC/ST B.P. No. 44/2024, in connection with Baheri P.S. Case No. 326 of 2024 dated 16.09.2024 registered for the alleged offences punishable under Sections 103(1), 238 read with Section 3(5) of the B.N.S. and Section 3(2)(v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the informant's daughter Sandhya Kumari and Shakshi Kumari were students of the Kasturba Gandhi Girls Residential School, Baheri, Darbhanga, read in Class VII and VI, respectively. They used to reside in the school. On 09.09.2024, he left both his daughters to the school and on 15.09.2024, his elder daughter, Sandhya Kumari who was killed by the appellant(warden), Rajkumar Mandal (Prinicipal) and school administration. The appellant informed him that his child was not well and asked him to come. For destroying the evidence, the warden took the deceased to Baheri PHC without informing police where the doctor declared her dead. The informant's younger daughter, Shakshi Kumari and number of other children got unconscious after seeing the occurrence and they were also admitted in PHC, Baheri then his relatives reached there and much crowd gathered in the hospital. When the informant talked to his younger daughter, Shakshi Kumari, she told that some students stole one thousand rupees of warden madam and that money was kept in the bag of the deceased. In the evening assembly time, when all the children were on the ground floor then the warden took the Sandhya Kumari on the first floor and then killed her. His younger



daughter also told that madam was abusing with caste name and was stating that the person belonging to the lower caste had the habit of stealing and that thief would be killed and after some time, Sandhya Kumari was killed.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant has been made accused in this case only because she is the warden of the school but she has no concern with the alleged offence. It is further submitted that there is no material on record to corroborate the allegation against the appellant. Learned counsel has further submitted that as per the post-mortem report of the deceased, the rope mark is of oblong and there is no external injury on the body of the deceased and no sign of resistance which clearly shows that the case is of suicide. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is a lady and she is in custody since 22.09.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed



the prayer for bail of the appellant and submitted that the appellant is the warden of the school and the allegation of committing murder of the informant's daughter is against the appellant is of very serious in nature.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 17.10.2024 passed by the learned Special Judge SC/ST(PoA) Act, Darbhanga in SC/ST B.P. No. 44/2024, in connection with Baheri P.S. Case No. 326 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on 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 Special Judge SC/ST(PoA) Act, Darbhanga in SC/ST B.P. No. 44/2024, in connection with Baheri P.S. Case No. 326 of 2024, with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.



*(ii) The appellant is directed to cooperate in the trial
before the learned court below.*

(Chandra Prakash Singh, J)

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