

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3765 of 2023**

Arising Out of PS. Case No.-17 Year-2022 Thana- MAHILA P.S. District- Patna

Vandana Gupta W/O Shashi Kant, D/O Sri Uday Krishan R/V - Plot No. B/6,
Bank Of India Colony, P.O. - B.V. College, P.S. - Shastri Nagar, Distt. - Patna
At Present Ex - Superintendent Address - Nand Lal Chhapra, P.S. -Ram
Krishna Nagar, Distt. - Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Sinha

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 18-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 10.07.2023 passed by learned Exclusive Special Court SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Mahila P.S. Case no. 17 of 2022 under Sections 341, 323, 328, 376, 120B and 34 of the Indian Penal Code, Sections 3/4 of the I.T. Act and sections 3(1)(w)/3(2)(va) of SC/ST Act was rejected.

3. Allegation against the appellant who is a Superintendent of Remand Home is that she used to administer intoxicated medicine and injection to the informant/victim and other girls and they were subjected to sexually exploitation and



mental torture. It is also alleged that appellant used to send the girls outside and forced them to be sexually exploited. The appellant used to allow entry of unknown male for wrongful purpose.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this 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. It is further submitted by from ground- (VIII) of this petition that vide letter No. 836 dated 16.02.2022, one S.I.T. team was constituted for investigation of Mahila P.S. Case No. 13 of 2022 and Mahila P.S. Case No. 17 of 2022 jointly and the investigation was started jointly but after investigation of the case, the police submitted final form No. 100 of 2022 due to insufficiency of evidence which is apparent from Annexure-3 of the petition itself and also the allegation which has been alleged by the informant/victim upon this appellant is not found true. From perusal of the Supervision Report of the S.S.P., Patna dated 25.06.2022, which has been annexed in this petition as Annexure-5(page No-36) in which it is mentioned that no any drug abuse and rape/sexual exploitation have been made in that remand home. From



perusal of the report of Uttar Raksha Girh, Gayaghat, Patna, it is mentioned in para-5 that the nature of the informant/victim is quarrelsome. Moreover, the appellant is languishing in judicial custody since 27.08.2022.

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

6. By way of filing counter affidavit, it is mentioned in para-2 that another girl in her statement recorded under Section 164 of the Cr.P.C. stated that appellant used to send those girls out who don't have anyone they were sent out if they used to refuse, they were injected with needle and were become unconscious. It is further submitted by para-3 that from a report of SP, Patna, few men were come in girh by covering their faces and on the permission of this appellant, those persons entered in the girh without registering their name in register.

7. Having heard learned counsel for the parties and taking into consideration that there is no specific allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.07.2023 is hereby set aside.

8. The appellant is directed to be enlarged on bail



after framing of charge if the charge is not framed in connection with Mahila P.S. Case No. 17 of 2022 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 Court SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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