

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.269 of 2024**

Arising Out of PS. Case No.-458 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Balkrishna Yadav @ Sanjeev Kumar Son of Shayamsunder Yadav @ Shemsunder Yadav R/o Village- Pakilpar (Paklipar), ward no. 02, P.S.- Murliganj, District- Madhepura
2. Shayamsunder Yadav Son of Bateshwar Yadav R/o Village- Pakilpar (Paklipar), ward no. 02, P.S. - Murliganj, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Rishideo, Son of Late Sikendra Rishideo, R/o Village- Pakilpaar, ward no. 05, P.S. - Murliganj, District- Madhepura

... .. Respondent/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Appellant/s  | : | Mr. Dinesh Prasad Verma, Advocate |
|                      |   | Mr. Satya Veer, Advocate          |
| For the Respondent/s | : | Mr. Usha Kumari 1, Spl.P.P.       |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      12-11-2025

1. Heard learned counsel for the parties.

2. The appellants have preferred this appeal against the order dated 11.12.2023 passed by learned Additional Sessions Judge I<sup>st</sup>-cum- Special Judge, Madhepura in A.B.P. no.1737 of 2023 and for grant of anticipatory bail in connection with Murliganj P.S. Case no.458 of 2023 registered under sections 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST Act.

3. As per the prosecution case, the informant states that while he was returning home, as a result of previous enmity,



both the accused persons i.e. the appellants herein abused him in the name of his caste and assaulted him causing injuries. They also took away Rs.5,000/- for his pocket besides other articles as mentioned in the F.I.R.

4. Learned counsel for the appellants submits that the cause of false implication of the appellants is previous enmity which would be evident from the contents of the F.I.R. itself. There is an unexplained delay of three days in lodging of the case. The alleged occurrence not having taken in public view, no offence under the SC/ST Act is made out against the appellants. It is further submitted that the so-called injuries have been found to be simple in nature.

5. The appeal is opposed by learned Spl.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegations in the F.I.R., the enmity between the parties, the injuries having been found to be simple in nature, the delay of three days in lodging of the F.I.R. and the submissions made by learned counsel for the appellants, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 11.12.2023 passed by learned Additional Sessions Judge I<sup>st</sup>-



cum-Special Judge, Madhepura in A.B.P. no.1737 of 2023 is set aside.

8. It is directed that both the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Murliganj P.S. Case no.458 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I<sup>st</sup>-cum-Special Judge (SC & ST Act), Madhepura.

**(Partha Sarthy, J)**

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