

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2225 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- MURLIGANJ District- Madhepura

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1. Gopal Yadav @ Gopal kumar Son of Late Radheshyam Yadav R/O Vill- Chamgarh Budhma, Ward 8 , P.S- Murliganj , Distt.- MADHEPURA
 2. Laddu Yadav @ Vinay Kumar @ Laddu Kumar Son of Radheshyam Yadav R/O Vill- Chamgarh Budhma, Ward 8 , P.S- Murliganj , Distt.- MADHEPURA
 3. Sadhana Devi Wife of Laddu Yadav @ Vinay Kumar @ Laddu Kumar R/O Vill- Chamgarh Budhma, Ward 8 , P.S- Murliganj , Distt.- MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Bilash Rishideo Son of Late Dhami Rishideo R/O Vill- Chamgarh ,Ward 8 , P.S- Murliganj , Distt.- MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dinesh Prasad Verma
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-11-2025 Heard the parties.

2. At the very outset, learned counsel for the appellants prays for and is permitted to withdraw this appeal on behalf of appellant no. 2.

3. Accordingly, this appeal is dismissed as withdrawn with regard to appellant no. 02 and now this appeal is restricted to appellant no. 1 and 3.

4. This appeal is preferred against the order dated 21.04.2025 passed by the learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST Act, Madhepura in ABP No. 419



of 2025 in connection with Murliganj P.S. Case No. 92 of 2025 registered for the offence under Sections 126(2), 115(2), 118(1), 109, 352, 3(5) and under section 3(1)(r)(s) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

5. As per the prosecution case, the appellants are said to have assaulted the prosecution side.

6. Learned counsel for the appellants submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place because of scuffle among children and therefore the application of the anticipatory bail is maintainable. He further submits that there is general and omnibus allegation against the appellant nos. 1 and 3.

7. Learned counsel for the State has opposed the prayer of the appellant.

8. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that for scuffle among children the occurrence has taken place and therefore, this application for grant of anticipatory bail is held to be maintainable.



9. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 21.04.2025 passed by the learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST Act Madhepura in ABP No. 419 of 2025 in connection with Murliganj P.S. Case No. 92 of 2025, is hereby set aside.

10. Let the appellant nos.1 and 3, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st-cum-Special Judge, SC/ST Act, Madhepura/concerned Court below in connection with Murliganj P.S. Case No. 92 of 2025, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

11. Accordingly, this application is dismissed with regard to appellant no. 02 and allowed with regard to appellant no. 1 and 3.

(Sandeep Kumar, J)

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