

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3373 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- KATEYA District- Gopalganj

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1. Ramadhar Madeshiya Son of Rajbali Madeshiya Resident of Kateya ward no 4 P.S- Kateya, Dist- Gopalganj
 2. Binda Devi @ Bimala Gupta wife of Ramadhar Madeshiya Resident of Kateya ward no 4 P.S- Kateya, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Premchand Gond son of Late Singasan Gond Resident of Kateya ward no 4 P.S- Kateya, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Naresh Prasad, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Special PP
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-01-2026 1. Heard learned counsel for the appellants, learned Special P.P. for the State and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.07.2025 in A.B.P. No. 1052 of 2025 passed by the learned XI Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Kateya P.S. Case No. 86 of 2025 registered for the offences punishable



under Sections 126(2), 115(2), 118, 352 and 3(5) of the BNS, 2023 as well as Sections 3(1)(w) of the SC/ST Act.

3. Learned counsel appearing on behalf of the informant submits that informant died, as such, in his place his wife has appeared.

4. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant no. 2 is a woman and the informant alleges that on 12.02.2025 at 04:00 PM, the accused persons including the appellants came to his house and started abusing, on objection, it is alleged that Deepak assaulted Prema Devi by rod causing injury on her face and thereafter Radheshyam assaulted the informant (deceased) by *danda* causing injury, further when son of the informant came to save them, the accused persons assaulted him also.

5. Learned counsel appearing on behalf of the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that accused persons came to his house and thereafter Deepak and Radheshyam are alleged to have assaulted the injured persons. It is further submitted that as far as these appellants are concerned, the allegations against



them are general and omnibus in nature. It is also submitted that since the occurrence took place in the house of the informant, as such, was not in public view and even the allegation of abuse is general and omnibus in nature.

6. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the appeal. The learned counsel appearing on behalf of the informant submits that on account of assault meted out to the informant, he died subsequently, on which the learned counsel appearing on behalf of the appellants submits that the date of occurrence is 12.02.2025 and the informant died on 02.07.2025 i.e. five months after the occurrence, as such, the assault cannot be the proximate cause of death. It is further submitted that even presuming what has been alleged is true without admitting then appellants are not alleged to have assaulted.

7. In view of the submissions made by the learned counsel for the appellants, the order dated 19.07.2025 in A.B.P. No. 1052 of 2025 passed by the learned XI Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Gopalganj in connection with Kateya P.S. Case No. 86 of 2025, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender before the learned Trial Court within a period of six



weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kateya P.S. Case No. 86 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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