

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82752 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- LODIPUR District- Bhagalpur

1. Md. Affan @ Aryan @ Md. Uffan S/o Md. Abdul R/o Village - Ustu, P.S - Lodipur, District - Bhagalpur
2. Md. Saffan S/o Md. Abdul R/o Village - Ustu, P.S - Lodipur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Lodipur P.S. Case No. 150 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109(1), 303(2), 351(2), 352 of BNS and Section 27 of the Arms Act.

3. As per prosecution case, informant and Md. Makin were walking in morning and petitioners and others armed with weapon were sitting in ambush. It is alleged that petitioner no. 1 is said to have assaulted the informant upon his head by means of sword as a result of which informant



sustained head injury. It is further alleged that petitioner no. 2 is said to have assaulted Md. Makin upon his head by means of katta as a result of which Md. Makin sustained head injury. It is further alleged that co-accused Md. Abdul assaulted Md. Makin upon his temple by means of rod as a result of which he sustained severe injury. It is further alleged that co-accused Md. Kaisar snatched silver chain weighing 2 bhar from the neck of Md. Makin. Meanwhile, co-accused Md. Suddu snatched silver chain weighing 4 bhar from the neck of informant and co-accused Najrul snatched Rs. 3,500/- from the pocket of the informant. It is further alleged that when the informant and Md. Makin started fleeing away, petitioner no. 2 and co-accused Md. Shahzada fired upon them, however, they escaped unhurt.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that injury report of injured persons indicates that nature of injuries are simple. He further submits that there is allegation of assault against the petitioners but there is no repetition of blow upon the head of any of the injured persons. In the light of the aforesaid fact and circumstances of the case, no offence is made out against the petitioners under



Section 109 of BNS as alleged in the FIR. He further submits that the allegation of assault against petitioner no. 1 who is said to have assaulted the informant by means of sword is totally falsified by injury report as injury report clearly indicates that the injury is caused by hard and blunt substance. Learned counsel specifically and orally submits that no firing material has been recovered from the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioners as alleged in the FIR. Petitioner no. 1 bears criminal antecedent of one case which is not similar to the present case and petitioner no. 2 bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that there is specific allegation against the petitioners and the same is supported by the injury report of the injured persons. Hence, petitioners do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, there is no allegation of repetition of blow against any of the petitioners and all the injuries are simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners



above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Division Judicial Magistrate, Bhagalpur in connection with Lodipur P.S. Case No. 150 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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