

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2247 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- LODIPUR District- Bhagalpur

1. Md Rajan Md Jubair @ Juber Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
2. Md. Pappu @ Md. Rustam Son of Late Musaraf Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
3. Md. Jubair @ Jubair@ Juber Son of Master @ Mahafuj Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
4. Md. Sanni Md. Jubair @ Juber Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
5. Md. Tipu Md. Jubair @ Juber Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
6. Md. Barku @ Md. Kuraish Son of Md. Tufani @ Jabbar Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
7. Md. Jabbar son of Late Master @ Mahafuj Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur
8. Md. Minaj @ Minhaj Son of Md. Jubair @Juber Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Anjali Devi Wife of Mangaru Ravidas Resident of Village Ustu , PS - Lodipur, Distt.-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dilip Kumar, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-02-2026 1. Heard learned counsel for the appellants, learned Special P.P. Mr. Sadanand Paswan 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 15.05.2025 in A.B.P. No. 965/2025 passed by the learned District and Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Lodipur P.S. Case No.35/2025, registered under Sections 191(2), 191(3), 190, 126(2), 115(2), 109(1), 352, 351(2) of the BNS, 2023 as well as Sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 17.02.2025 the accused persons including the eight appellants were playing obscene Bhojpuri song, on objection, Sanni assaulted Nawal by pistol and lathi and also abused by taking caste name, it is next alleged that on account of assault, Ravi suffered injury on head, further also assaulted the informant and others who tried to save Nawal, next alleges that Sanni keep fighting with Nawal.

4. Learned counsel for 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 allegation of abuse is general and omnibus in nature. It is further



submitted that as far as assault is alleged, specific allegation of assault is against Sanni. It is next submitted that though it is alleged that Sanni assaulted Nawal causing injury on head but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that the injured were taken to hospital, which amply demonstrates the falsity of the occurrence. It is also submitted that on account of dispute relating to playing of song, an altercation took place but then no one assaulted but the informant by way of afterthought instituted the instant case.

5. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants but then the learned counsel for the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that allegation of abuse and assault is general and omnibus in nature and the injured was not taken to the hospital.

6. Considering the submission of the learned counsel for the appellants, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory



bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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