

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3921 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- NAWANAGAR District- Buxar

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1. Sabir Ansari @ Sabir Hussain Son of Rustam Miya Resident of village - Nawanagar, Police Station- Nawanagar, District- Buxar.
 2. Rauf Miya S/O Ramzan Miya Resident of village - Nawanagar, Police Station- Nawanagar, District- Buxar.
 3. Soheli Ansari @ Md. Soheli Ansari @ Suheli Ansari Son of Rauf Miya @ Maksood Miya Resident of village- Ariyaon, Police Station- Krishnabrahm, District- Buxar.
 4. Md. Nasim Ansari Son of Younus Ansari Resident of village and P.S.- Jagdishpur, District- Bhojpur.
 5. Anul Ansari Son of Late Haidar Ansari Resident of village - Pawani, Police Station- Buxar (M), District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Ji Dhobi Son of Late Jaynath Dhobi Resident of village- Nawanagar, Police Station- Nawanagar, District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate

For the Respondent/s : Mr.Usha Kumari 1, Spl.PP

For the Informant : Mr.Abhishek Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-04-2026 Heard learned counsel for the appellants, learned Spl. PP for the State and learned counsel for the informant.

2. The appellant has preferred the appeal under Section 14(A)(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 29.08.2025 passed by learned District and Additional Sessions Judge I cum Special



Judge SC/ST (POA) Act Buxar vide A.B.P. No. 942 of 2025 arising out of Nawanagar P.S. Case No. 69 of 2025 for the offence under sections 126(2), 115(2), 117(2), 110, 324(4), 351, 352, 3(5) of Bhartiya Nyay Sanhita- 2023 and section 3(1)(r)(s) and 3(2) (va) of the SC/ST (P.O.A.) Act.

3. As per the allegations made in the F.I.R., the appellants are alleged to have abused the informant and his son by taking their caste name, assaulted them, and caused injuries to them.

4. Learned counsel appearing on behalf of the appellants submitted that the appellants are innocent and they have falsely been implicated in the present case. There is no specific allegation of assault against appellant nos. 2, 3, 4 and 5 and the allegations are general and omnibus in nature. He further submitted that although injuries are alleged on the informant and his son, the same are simple in nature. The present case is a counter-blast to the earlier F.I.R. lodged by the sister of appellant no. 2. The alleged abuse by taking caste name was not in public view and the occurrence is private in nature, as such, the bar under Section 18 of the SC/ST Act is not attracted. Appellants have no criminal antecedent.

5. Mr. Abhishek Mishra, learned counsel appearing on



behalf of the informant submitted that during the course of investigation it has transpired that the son of the informant had extended monetary help to the daughter of the appellants for admission in a coaching institute and, upon demand of return of the said amount, the occurrence took place. The occurrence took place in public view and all the appellants assaulted the informant's son and family members and abused them by taking the name of their caste. There are clear allegations against appellant no. 1 of abusing by taking caste name with filthy language and, therefore, the bar under Section 18 of the SC/ST Act is attracted.

6. Learned Spl.PP for the State has opposed the prayer for grant of bail to the appellant.

7. Having heard the rival submissions made on behalf of the parties, as well as, upon perusal of the materials available on record, it appears that, so far as, appellant nos. 2, 3, 4 and 5 are concerned, the allegations are general and omnibus in nature and no specific overt act has been attributed to them. The injuries, as per the medical report, are simple in nature and the materials also indicate a case and counter-case between the parties. Further, the allegation of caste-based abuse against these appellants does not appear to be specific. In such circumstances,



the impugned order dated 29.08.2025 is quashed and set-aside as the bar under Section 18 of the SC/ST Act is not attracted.

8. The appellant nos. 2, 3, 4 and 5 have, *prima facie*, made out a case that the assault is not attributable to them. In absence of specific allegation against the appellant nos. 2, 3, 4 and 5, the learned Trial Court is directed to released the appellants on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Nawanagar P.S. Case No. 69 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

9. However, so far as, appellant no. 1 is concerned, there are specific allegations of assault, as well as, abuse by taking the name of caste in the alleged occurrence. In view of such specific allegations, this Court is not inclined to extend the privilege of anticipatory bail to appellant no. 1 and the prayer for anticipatory bail of appellant no. 1 stands rejected.

10. Accordingly, the impugned order is modified to



the above extent and appeal is party allowed.

(Purnendu Singh, J)

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