

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34822 of 2025

Arising Out of PS. Case No.-980 Year-2023 Thana- AGAMKUAN District- Patna

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Avinash Kumar S/o Chhotu Mahto @ Chhotu Kumar Mahto R/o Chhoti
Pahari Rashikda Chak, P.S.- Agamkuan, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanoj Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Agamkuan P.S. Case No. 980 of 2023 registered for the offences punishable under Section 302 and 120(b) of the IPC.

3. As per prosecution case, petitioner and others proceeded to Kumhrar Toli and it is alleged that hot talk took place between co-accused Ajit Kumar and informant's son and it is further alleged that co-accused, Ajit Kumar, is said to have stabbed the informant in his stomach and during the course of treatment the informant's son died.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. There is no specific allegation against the petitioner rather the specific allegation is against co-accused, Ajit Kumar, who is said to have stabbed the deceased with the knife. Petitioner is merely a member of mob. Learned counsel further submits that co-accused, Lav Kumar, has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 54129 of 2024 and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner's name has been reflected in the FIR and he cannot escape from the liability of the same.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused on similar and identical allegation has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner 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 bond of Rs. 10,000/- (rupees ten thousand) with two



sureties of the like amount each to the satisfaction of learned
ACJM-IV, Patna City in connection with Agamkuan P.S. Case
No. 980 of 2023, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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