

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10738 of 2026

Arising Out of PS. Case No.-416 Year-2025 Thana- GHOSI District- Jehanabad

Sinod Kumar S/o Jai Ram Yadav Resident of Village- Ramganj, P.S.- Ghosi,
District- Jehanabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sameer Darshan, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Ghosi P.S. Case No. 416 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 110, 74, 352 & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, petitioner alongwith other co-accused persons assaulted the informant and others during the occurrence, where informant alleged to receive injury on her hand and head, which alleged to be caused by this petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the occurrence, in fact, was free



fight in nature where both parties received injury. It is submitted that occurrence took place due to neighbourhood dispute and differences. It is pointed out that injury, as alleged to be caused by this petitioner, found upon non-vital part of the body which was not likely to cause death and, therefore, *prima facie* case under section 109 of the B.N.S. not appears to be made out. It is submitted that nature of injury is not the only criteria to make out a case under section 109 of the B.N.S., rather there are several other factors which required to be taken into consideration like nature of weapon, nature of occurrence, the body where assault was made, manner of assault, pre and post conduct of the accused persons etc. In support of her submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana reported in (2015) 11 SCC 366**. Petitioner claimed clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by



taking note of the fact as occurrence *prima facie* appears free fight in nature, where assault, as alleged to be caused by this petitioner, found upon non-vital part of the body, *prima facie* negating the intention to cause death and as such to import the allegation within the ambit of section 109 of the B.N.S., accordingly, petitioner above-named, who is a man of clean antecedent, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad/concerned court in connection with Ghosi P.S. Case No. 416 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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