

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79095 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- AGAMKUAN District- Patna

Ishwar Kumar S/o Ranjeet Kumar R/o village - Chhoti Pahari, Near - Middle
School, P.S - Agamkuan, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nikhilesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-02-2026 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 Agamkuan P.S. Case No. 108 of 2025 registered for the offences punishable under Sections 189(2), 126(2), 115(2), 117(2), 109, 329(4), 352, 351(2) & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to assault the informant and others alongwith 2-3 unknown co-accused persons causing head and bodily injury, where occurrence alleged to be arising out of dog biting issue.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with the



present case out of neighbourhood dispute and differences arising due to petty issue like dog biting.

5. It is submitted that the occurrence was free fight in nature where both parties received injury and for the same set of occurrence, petitioner's side also lodged a case i.e. Agamkuan P.S. Case No. 109/2025.

6. In this context, it is submitted that injury report of injured was obtained from private hospital and, therefore, manipulation cannot be ruled out and, moreover, as per injury report only fracture of lower arm was noticed whereas the injury, as alleged to be caused on head, was found simple in nature.

7. Arguing further, it is submitted that even as per FIR, allegation to cause physical assault is not available against this petitioner, rather it is alleged that on his instance other unknown co-accused persons assaulted the informant and others. Petitioner claimed clean antecedent.

8. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, could not disputed the aforesaid factual submission, however, it is



submitted that petitioner alleged actively involved during the occurrence.

9. In view of the aforesaid factual submissions and by taking note of the fact as the allegation of physical assault is not available against this petitioner, rather it is alleged that on his instance/direction, other unknown co-accused persons assaulted the informant, coupled with the fact that petitioner is a man of clean antecedent, accordingly, above-named petitioner, 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 A.C.J.M.-IV, Patna City/concerned court in connection with Agamkuan P.S. Case No. 108 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)

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