

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40708 of 2022**

Arising Out of PS. Case No.-60 Year-2021 Thana- GARDANIBAG District- Patna

Divyanshu Kumar @ Devanshu Kumar Son Of Ravindra Yadav @ Ravindra Prasad R/O Bhikhanchak, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                          |
|----------------------|---|------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. D.K. Sinha, Sr Advocate<br>Mr. Abinay Raj, Advocate<br>Mr. Alexander Ashok, Advocate |
| For the State        | : | Mr. Dinesh Singh, APP                                                                    |
| For the Informant/s  | : | Mr. Anand Kumar, Advocate<br>Mr. U.N. Sinha, Advocate                                    |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

4      16-11-2022                      The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned Sr. counsel for the petitioner as well as learned counsel for the informant and learned APP for the State.

Petitioner seeks regular bail in connection with Gardanibagh P.S. Case No. 60 of 2021 registered for the offences punishable under Sections 307, 323, 341, 325, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, the informant's cousin Bhanu Bhusan Kumar and his friend are owner of a Community Hall. Further it is alleged that the accused persons Ravindra Yadav,

Divyanshu Kumar (petitioner) and Himanshu Kumar started threatening the informant's cousin and his friend and ordered them to close the Community Hall. On the alleged date and time the informant's cousin and his friend Neeraj were having a conversation, in the meantime, the accused persons armed with Iron Rod, Danda and Hockey came there and started assaulting them. This petitioner assaulted Bhanu Bhusan Prashad at his head and left leg by means of Danda and Iron Rod causing injury at his head and leg fracture and the co-accused Ravindra Kumar snatched a gold chain from his neck.

The main submissions advanced by learned senior counsel Shri D.K. Sinha appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 49927 of 2021 along with the co-accused Himanshu Kumar for the relief of anticipatory bail but that miscellaneous petition was withdrawn and the Bench concerned made the observation that if the petitioners surrender and pray for regular bail then a sympathetic view may be taken against them as similarly situated other co-accused persons have already been granted privilege of anticipatory bail. After that order, the petitioner himself surrendered before the court below but without considering the spirit of that order the court below rejected the

regular bail prayer of the petitioner. Further submission is that co-accused Himanshu Kumar has been granted anticipatory bail vide order passed in Cr. Misc. No. 44460 of 2021. Further submission is that the petitioner has completed B.Tech course in Mechanical Branch.

Learned counsel Shri Anand Kumar, appearing for the informant as well as learned APP Shri Dinesh Singh, appearing for the State have vehemently opposed the prayer for bail and submitted that co-accused Himanshu Kumar got anticipatory bail from this Court by concealing the relevant and important facts, hence a prayer for cancellation of his bail has been made and the same is pending before the Bench concerned and there is specific allegation against the petitioner and he assaulted the injured Bhanu Bhushan Prasad repeatedly.

Heard both the sides and perused the FIR and case diary of this case. As per the statement made in Paragraph No. 3 of the petition the petitioner has clean antecedent and he has been languishing in jail since 10.05.2022 and one co-accused namely, Himanshu Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court and the petitioner is alleged to have assaulted Bhanu Bhushan Prashad who sustained three injuries as per the injury report mentioned in Paragraph No. 31

of the case diary and in the said injuries only one injury has been opined to be grievous in nature and same has been found at the non-vital part of the body and other two injuries were found to be pain and abrasion, considering these facts as well as above submissions and mainly taking into account the petitioner's clean antecedent and the genesis of the occurrence, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate XIV, Patna in connection with Gardanibagh P.S. Case No. 60 of 2021.

**(Shailendra Singh, J.)**

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