

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74849 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- FESHAR District- Aurangabad

DIWAKAR KUMAR Son of Chaudhary Rameshwar Prasad Singh Resident
of Village - Basdiha Kala, P.S.- Fesar, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Soni Srivastava, Advocate Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr.Binod Kr. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard Ms. Soni Srivastava, learned counsel for the
petitioner, learned counsel for the State and Mr. Binod Kumar
Sinha, learned counsel for the informant.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Fesar P.S. Case No. 47 of 2022 registered for the offences punishable under Sections 147/14/323/325/307/504/506/34 & 302 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 12.04.2022 the FIR named accused persons including the petitioner and 10 unknown persons attacked the informant's brother-in-law. It is alleged that diwakar Singh (petitioner) repeatedly inflicted sabal blow over the stomach and



chest of Budha Singh. Other accused persons had also assaulted him as a result of which he sustained multiple injuries.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case with ulterior motive. Learned counsel submits that the dispute arose on account of earthing work for electricity and accused persons were trying to stop the work as the same was being built on their land.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, considering that this petitioner is said to be the assailant of the deceased and that in case of co-accused Ravindra Kumar Ravi the Hon'ble Supreme Court is said to have set-aside the order granting privilege of anticipatory bail to the said accused, this case is not a fit case for grant of pre-arrest bail to the petitioner.

This application is dismissed.

(Rajeev Ranjan Prasad, J.)

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