

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12132 of 2024**

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

Divakar Kumar S/o Rameshwar Prasad Singh R/o vill - Basdiha, P.S. - Phesar,  
Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                |
|--------------------------|---|--------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Dinu Kumar, Advocate<br>Mr. Vardaan Mangalam<br>Mrs. Ritika Rani, Advocate |
| For the Informant        | : | Mr. Binod Kumar Sinha, Advocate<br>Mr. Ajay Kumar Prasad, Advocate             |
| For the Opposite Party/s | : | Mr. Rajendra Prasad Nat, APP                                                   |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      28-02-2024                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with S.Tr.  
No. 569/(A)/2023/200/2023 arising out of Phesar P.S. case No.  
47 of 2022 instituted for the offences under Sections 147, 148,  
323, 325, 307, 504, 506 and 302/34 of the Indian Penal Code.

3. 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.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case with ulterior motives. Learned counsel further submitted that the dispute arose on account of earthing work for electricity and the accused persons were trying to stop the work as the same was being built on their land. There is case and counter-case between the parties. Learned counsel further submitted that several co-accused persons have already been granted bail by Coordinate Benches of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 55038 of 2022, vide order dated 16.08.2023 passed in Cr. Misc. No. 49721 of 2023, vide order dated 30.11.2023 passed in Cr. Misc. No. 75950 of 2023 and vide order dated 10.01.2024 passed in Cr. Misc. No. 85543 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.01.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that there is general and omnibus allegation levelled against the co-accused persons who have been granted bail by the co-ordinate Benches of this Court and so far as this



petitioner is concerned, there is specific accusation of assault against him.

6. Having regard to the facts and circumstances of the case, considering that this petitioner is said to be the assailant of the deceased, this Court is not inclined to grant privilege of bail to the petitioner.

7. The prayer is rejected.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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