

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64725 of 2024

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

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Diwakar Kumar Son of Chaudhary Rameshwar Prasad Singh Resident of
Village- Basdiha Kala, P.S.- Fesar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deep Shekhar, Adv. Mr. Shivam, Adv.
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Binod Kumar Sinha, Adv. Mr. Ajay Kumar Prasad, Adv.

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

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 29.04.2023 passed in Cr. Misc. No. 74849 of 2022.

3. The petitioner seeks bail in connection with Feshar
P.S. Case No. 47 of 2022 instituted for the offences under
Sections 147, 148, 323, 325, 302, 307, 504, 506 and 34 of the
Indian Penal Code.

4. 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.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The present case is a counter blast to Fesar P.S. Case No. 48 of 2022. He further submits that the specific allegation is against Sagar Kumar, Ramnaresh Singh and Saurab Kumar of having assaulted the brother in law of the Informant on his chest and stomach. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.01.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, submitting that the petitioner has actively participated in the assault and committed serious offence of attempt to murder and caused grievous injuries to the victim and, ultimately, the Informant's brother-in-law died in course of treatment.

7. Learned counsel for the State further submits that out of six witnesses, four have been examined and only the



official witnesses i.e. the doctor and the I.O. are to be examined.

8. Having heard rival contention of both the parties as also considering the nature and gravity of the offence alleged, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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