

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17558 of 2025

Arising Out of PS. Case No.-708 Year-2023 Thana- GAYA KOTWALI District- Gaya

Divyanshu Kumar @ Dvyanshu Raj Kumar @ Sameer Kumar @ Divyanshu
Son of Amit Ram Resident of Mohallah - Murli Hill Domtoli, Telbigha, P.O. -
R.S., P.S. - Kotwali, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kotwali P.S. Case No. 708 of 2023 instituted for the offence
under Sections 341, 323, 307, 504/34 of the Indian Penal Code.
Earlier vide order dated 17-01-2025, passed in Cr. Misc. No.
55019 of 2024, anticipatory bail of the petitioner was rejected.

3. As per prosecution case, informant's brother was
going to *Telbigha* to purchase *Samosa*, in the meantime, all FIR
named accused persons including the petitioner called the
informant's brother in his house and assaulted him with iron rod
with an intention to kill him.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 21-01-2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that informant is not an eye witness. It is submitted that alleged injury does not support the prosecution story, as the injury sustained by brother of the informant is simple in nature, which appears to be sustained due to falling while he was playing. It is submitted that in the FIR, no reason has been assigned for the occurrence, which create doubt in the true version of prosecution story.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and injury found to be simple in nature, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali



P.S. Case No. 708 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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