

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55019 of 2024

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

Divyanshuraj Kumar @ Divyanshu Kumar @ Divyanshu Raj Kumar 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. Dharendra Kumar
For the Opposite Party/s : Ms. Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-01-2025 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in
connection with Kotwali P.S. Case No.708 of 2023 registered
for the offence under Sections 341, 323, 307, 504/34 of the
Indian Penal Code.

3. As per the prosecution case, informant's
brother Sumit Kumar was going to *Telbigha mode* 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. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that there is no eye-witness to the occurrence and the injury sustained by the victim, namely, Sumit Kumar is simple in nature. It is submitted that similarly situated co-accused persons have already been granted bail by this Court through Cr. Misc. No.48503 of 2024 on 20.07.2024. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioner.

6. In view of the submissions, as made above and nature of allegation and as there is specific allegation as regard to assault upon vital part of the body against this petitioner and the other co-accused persons have been granted privilege of anticipatory bail since no specific allegations has been levelled against them and as from perusal of injury report of victim it appears that the injury caused upon the head of the injured, Sumit Kumar he sustained (I) lacerated bleeding wound over forehead of size, 1 x ½ inch x muscle deep, where, CT Scan brain advised (ii) Abrasion of size ¼ x 1/6 inch over lower lip – reddish in colour, this Court is not inclined to grant bail to the petitioner, at present.

7. Accordingly, the prayer of bail of the



petitioner is rejected herewith.

(Ramesh Chand Malviya, J)

S.Katyayan/-

U		T	
---	--	---	--

