

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58263 of 2025

Arising Out of PS. Case No.-534 Year-2022 Thana- PHULWARISHARIF District- Patna

Divyanshu Kumar @ Divyanshu Kumar Sharma @ Dibyanshu Kumar
Sharma @ Divyanshu Kr. Sharma S/o- Krishnadhar Singh Village- Kab PO-
Kab PS-Rani Talab District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar
For the Opposite Party/s : Mr. Shantanu Kumar, APP
Mr. Deepak Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-11-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Phulwarisharif PS Case No. 534 of 2022 registered for the
offences punishable under Sections 399 and 402 of the IPC,
Sections 25(1-B)a, 26 and 35 of Arms Act as well as Sections
8(c) and 21(b) of NDPS Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of three cases, but then he was
acquitted in one case and the informant alleges that 33.75 gram
of smack along with a country-made pistol and three live
cartridges were recovered from possession of six accused
persons, as recorded in the FIR.



4. The learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the confessional statement of apprehended accused in police custody, which does not have any elementary value.

5. The learned APP opposes anticipatory bail application and submits that allegation is of recovery of 33.75 gram of smack from six different accused whose names are recorded in the FIR and the apprehended accused disclosed the name of the petitioner, it is further submitted that petitioner has criminal antecedent and in the event if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, it is also submitted that the investigation of the case is in its nascent stages.

6. Considering the submission made by learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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