

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90160 of 2024

Arising Out of PS. Case No.-491 Year-2024 Thana- RAJAOLI District- Nawada

Diwakar Kumar, aged about 24 years (Male), S/O Rajesh Kumar, Resident of village - Kutlupur, P.S- Rajauli, District – Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Rajauli P.S. Case No. 491 of 2024 dated 15.10.2024 registered for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 109, 303(2), 324(4), 352, 351(3) of the B.N.S., 2023.

3. As per the prosecution case, when the informant was going from *Fatehpur Market* to his house on his motorcycle and reached near *Bijvan More* then the co-accused Raja Kumar alongwith other 8-10 friends armed with iron rod and stick intercepted him and subjected him to assault due to which he sustained injury on his head. Thereafter, the informant's brother came to rescue him, he was also assaulted by the accused



persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R., and his name has come in the present case during the course of investigation. There is general and omnibus allegation against the petitioner. The petitioner has no concern with the alleged offence. He is only a member of unlawful assembly and there is no specific overtact against him. No incriminating article has been recovered from his possession. It is further submitted the injured Hari Om Kumar and Deepak Kumar were examined by the doctor and the doctor has opined the injury of Hari Om Kumar is simple in nature and injury of Deepak Kumar is found grievous in nature but not dangerous to life. It is submitted that the other co-accused person, namely, Gulshan Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 89398 of 2024 under order dated 08.01.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Nawada in connection with Rajauli P.S. Case No. 491 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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