

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.773 of 2026

Arising Out of PS. Case No.-52 Year-2022 Thana- PARWALPUR District- Nalanda

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Divesh Kumar Sharma @ Divesh Singh @ Divesh Singh Sharma S/o- Late
Karu Singh @ Karu Sharma @ Krishna Chandar Singh R/v- Alawan PS -
Parwalpur Dist. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Rama Kant Sharma, Sr. Advocate

Sri Lovekush Kumar, Advocate

For the Opposite Party/s : Sri Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-04-2026 1. Heard Sri Rama Kant Sharma, learned Senior

Counsel for the petitioner, Sri Chandra Bhushan Prasad, learned

A.P.P. for the State and learned counsel appearing on behalf of

the informant.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 147, 148,

149, 302 and 120(B) of the Indian Penal Code as well as Section

27 of the Arms Act.

3. Learned Senior Counsel for the petitioner submits

that petitioner is a person with clean antecedent and the

informant alleges that on 19.03.2022, at 12:30 p.m., 18 named

accused persons including the petitioner came and started

abusing for the reason that day before the accused persons had

assaulted them on account of which named persons in the FIR



were injured and had threatend that they will not allow the informant's side to celebrate holi. It is further alleged that accused persons started firing on account of which the wife of the informant, namely, Renu Devi received firearm injury on her chest and back leading to her death while Pushpa Devi received firearm injury on her waist and Rajendra was shot in the stomach. Further, Divesh (petitioner), son of Late Karu Sharma shot Renu, another Divesh, son of Kaushlendra Kumar shot Pushpa and Nagendra shot Rajendra and the injured were taken to the hospital.

4. Learned Senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that no doubt, it is alleged that petitioner shot Rene Devi leading to her death but then the police, after threadbare investigation, came to a considered conclusion, during the course of investigation, that petitioner is innocent. It is next submitted that petitioner is an Inspector with the Railways. It is also submitted that a government servant is aware of the consequences which would entail in the event if he gets involved in the occurrence of the nature as alleged in the instant FIR. It is further submitted that the police submitted final form exonerating the petitioner of the allegation as alleged in



the FIR but then the learned Magistrate based on the same police report took cognizance, hence, the petitioner apprehends his arrest. It is next submitted that when one Investigating Agency, after threadbare investigation, came to a considered conclusion that petitioner is innocent, whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation. It is next submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence. It is also submitted that petitioner will not delay the trial in any manner.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned Senior Counsel appearing on behalf of the petitioner that petitioner is an Inspector with the Railways and the police, after investigation, submitted final form exonerating the petitioner of the allegation as alleged in the FIR.

6. After hearing the learned counsel for the parties, let the petitioner, above-named, in the event of his arrest or



surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Parwalpur P.S. Case No. 52 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release on anticipatory bail, is trying to delay the framing of charge or after framing of charge is trying to delay the trial of the case in any manner, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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