
In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Anticipatory Bail Petition No. 938 of 2026

1. **Deewakar Kumar, aged about 21 years, S/o- Drup Yadav.**
R/o village- Nawarangiya, P.S. Lakhaura, District- East Champaran.
-----Petitioner.

Versus

The State of Bihar

----- **Opposite party.**

Counsel for the Petitioner :- Sri Mukesh Prasad, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

02.04.2026

This anticipatory bail petition is filed on behalf of the petitioner, namely, Deewakar Kumar, who is apprehending his arrest in connection with Lakhaura P.S. Case No. 62 of 2024 u/ss 302 and 120(B)/34 of Indian Penal Code.

In para-2 of the anticipatory bail petition, it is mentioned that no other anticipatory or regular bail petition has ever been filed earlier on behalf of the petitioner either in this Court or before the Hon'ble Patna High Court. As per para-3 of the anticipatory bail petition, the petitioner has one criminal antecedent of Sessions Trial No. 530/2025 arising out of Muffasil P.S. Case No. 416/2021 u/s 323, 324, 307, 504/34 of IPC.

As per F.I.R. on the alleged day of occurrence, all the persons named in the F.I.R. including the petitioner came at the informant's house and took away his son Dipesh Kumar in the name of taking him feast. When his son did not return home till late night, the informant made many phone calls on his son's mobile, but calls unanswered as switched off. The informant started searching for his son, but found no trace. Later on, in the next morning at about 4:00 AM during course of searching, some people came running from Baniaaien canal side making noise and said that someone has been injured and thrown away, upon which the informant and others reached there and saw his son lying there in an injured condition. On asking, his son has stated that the petitioner and other co-accused, in criminal conspiracy, assaulted him with fat, fists and knife and leaving him in an injured condition there. After some time, his son died. Police reached there and seized a motorcycle which was used by co-accused Rangeela Yadav @ Ramgopals Das. Further the prosecution is that in a murder case of Lakhaura P.S. Case No. 17 of 2024, informant's son Dipesh Kumar was the witness made by the police for which accused Sonu Yadav and his associate always gave threatening to kill Dipesh Kumar, if he will give his testimony in that case.

02.04.2026
Continued

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The petitioner has nothing to do with the alleged occurrence and all the alleged sections are not being attracted against him. There is inordinate delay of two days in the lodging the F.I.R. without giving explanation of delay. The petitioner's name has been given in this case due to bad village party politics.

The learned Public Prosecutor appearing on behalf of State opposed the prayer for anticipatory bail.

Heard both sides and perused the record. From perusal of the record, it transpires that the petitioner is named in the F.I.R. As per F.I.R. the petitioner and other co-accused persons took away the informant's son to take him feast and caused injury to him, later on, the informant's son was recovered by some villagers in injured condition where he has stated to the informant and others that this petitioner and other co-accused persons assaulted him, consequently he was died. As per para-2, 8, 9, 69 of the case diary, the informant in his restatement and the witnesses in their statement have corroborated the version of F.I.R. As per para-3 of the case diary, containing inquest report, cause of death is due to assault with knife. As per para-106 of the case diary, containing postmortem report, doctor has found multiple stab wound on the dead body and cause of death is haemorrhage and shock, caused by injuries mentioned in the postmortem report by sharp, pointed weapon. As per para-147 of the case diary, police has submitted charge-sheet against other co-accused persons showing not sent up for trial the petitioner. From perusal of the record, it also transpires that learned Court below has taken cognizance u/s 302 and 120(B)/34 of I.P.C. against the petitioner also vide order dated 05.12.2024. As per para-3 of the anticipatory bail petition and para-72 of the case diary, the petitioner has one criminal antecedent.

In the facts of the case and keeping in view the nature of allegations, gravity of offence and materials available on the record, I am not inclined to give privilege of pre-arrest bail to the petitioner. Accordingly, the prayer for anticipatory bail of petitioner **Deewakar Kumar** stands **rejected**.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
02.04.2026