

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I, GAYA
BAIL PETITION No. 630/2026

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Divash Sharma S/o Girjesh Sharma
R/o Mohalla- Magadh Colony, Road No. 5,
P.S.- Magadh Medical, District- Gaya

----- Petitioner

VERSUS

The State of Bihar

----- Opposite Party

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05.05.2026

A bail application has been filed on behalf of the above named accused/petitioner, who is in judicial custody since 20.02.2026, in connection with **Magadh Medical P.S. Case No. 226/2023**, for the offences registered **U/s. 302, 323, 504 of the IPC, pending in the Court of Ld. ACJM-II, Gaya.**

2. Heard both the sides on the bail application.

3. Learned defence counsel, submitted that prior to this, the petitioner has filed anticipatory bail vide A.B.P. No. 10/2024 which was rejected by the Ld. predecessor court vide order dated 25.01.2024 and petitioner also moved anticipatory bail before Hon'ble High Court, Patna vide cri. Misc. 19203/2024 which was also rejected by Hon'ble High Court, Patna vide order dated 03.05.2024 and except this, he has not filed any regular bail before this Court or the Hon'ble Patna High Court. It is further submitted that petitioner is innocent, committed no offence and has falsely been implicated in this case. The alleged Sections is not applicable against the accused petitioner. Informant of this case has stated before Ld. Judicial Magistrate that she herself killed her both minor sons. The dispute is iron out and case has been compromised between them. It is further submitted that the petitioner having no criminal antecedent and he is in judicial custody since 20.02.2026. Hence, it is prayed for grant of bail to the accused petitioner.

4. Per contra the Ld. A.P.P. appeared on behalf of State vehemently opposed the prayer for bail.

5. The case of prosecution based on the fard-beyan of informant Rani Kumari Sharma, in brief, is that in the night of 10.05.2023 she was sleeping in her room with two kids, in the mean time his husband Diwash Sharma (accused petitioner) came and began abusing and thrashing her, in this course Diwash Sharma thrown the two kids both twin aged about 04 months on the earth, those both kids sustained internal injury and died, after committing the murder of kids the accused fled away from the place of occurrence.

6. Heard both sides and perused the case record. From perusal of the case record, it appears that petitioner is named in the F.I.R. The allegations against the petitioner of causing murder of his own two minor kids by throwing them on the earth. The postmortem report suggest that both the kids had died **asphyxia due to throttling and hemorrhage and shock**. Allegation against the accused petitioner is serious and grave in nature. The investigation is still going on. Moreover anticipatory bail of this accused petitioner has already been rejected by the predecessor Court as well as Hon'ble High Court, Patna after hearing on merit.

7. Considering the aforesaid facts and circumstances of the case, gravity of offence and pending stage of the investigation, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer of bail filed and moved on behalf of the petitioner, above named, is hereby **rejected**.

(Dictated)

Sd/-

(Shashi Kant Ojha)
Addl. Sessions Judge-1, Gaya
05.05.2026