

IN THE COURT OF ADDL. SESSIONS JUDGE-II DISTRICT-KATIHAR
(Bail Petition No. 562 of 2026)

In the matter of

1. Diwakar Yadav @ Divo Yadav, aged about- 35 years, S/o Chhatri Yadav
R/O- Laxmipur Lohjar, P.S.-Falka, Distt.- Kaihar (Bihar)

-----Accused/Petitioner.

Vs

State of Bihar-----Opposite Party.

Falka P.S. case No.- 61/2026

U/S- 190, 191(2), 191(3), 192, 132, 121(1), 121(2), 126(2), 115(2), 115(2), 109,
285, 287, 324(4), 324(5), 326(f) of the B.N.S. & 4 of Public Property Act.

Learned advocate for Petitioner- Shri Jitendra Kumar

Learned A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

19.06.2026 This petition for regular bail has been filed on the behalf of the accused namely Diwakar Yadav 2 Divo Yadav who is in custody since 07.05.2026 in connection with Falka P.S. Case No. 61/2026 instituted U/S- 190, 191(2), 191(3), 192, 132, 121(1), 121(2), 126(2), 115(2), 115(2), 109, 285, 287, 324(4), 324(5), 326(f) of the B.N.S. & 4 of Public Property Act.

Heard the learned counsel Shri Jitendra Kumar appearing on the behalf of the petitioner and learned A.P.P. Shri Md. Ajaz Alam appearing on the behalf of the State and perused the lower court record along with case diary.

According to F.I.R. prosecution case in nutshell is that informant namely Rahul Kumar Suman lodged a written report before SHO Falka to this effect that on dated 07.05.2026 one person namely Rakesh Kumar Yadav who was accused in Falka P.S, case no. 36/2026 and he had been kept in lock-up of police station, who hung himself and he was taken to Samudaik health centre, Falka and from there he was referred to Sadar Hospital, Katihar for better treatment but in the course of treatment he died. So in the protest some anti-social elements caused hindrance in the moment of transportation as well arson at S.H.-77 and they were damaging the vehicles and some police personnel were brutally assaulted and rifle of the armed forces were also snatched and they also damaged the official vehicles. Informant

has further alleged that some accused persons along with accused-petitioner namely Diwakar Yadav @ Divo Yadav was identified and other were being identified by video footage.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is innocent and has committed no offence at all and has falsely been implicated in this case due to village politics and on mere suspicion. He has further submitted that the allegations levelled against the petitioner are absolutely false and concocted and due to village politics, the instant case as well as Falka P.S. Case no. 60/2026 has been lodged and name of this petitioner also planted in both cases, while at the time of alleged occurrence he was not present at the place of occurrence. He has further submitted that there is no specific allegation against the petitioner the petitioner has been made scapegoat in this case and the petitioner is of a clean antecedent prior to this case and another Falka P.S. case no. 60/2026 has been lodged due to alleged occurrence, name of this petitioner planted in two cases. Accused-petitioner is in custody since 07.05.2026. Accordingly, prayer has been made to allow the bail petition.

Per contra, learned A.P.P. appearing for the state has opposed the prayer for bail and has submitted that present petitioner is the named accused of the F.I.R. and from perusal of the case record as well as video footage it is evident that he actively participated in this alleged occurrence and thereby he caused hindrance in the discharging of official duty of police personnel. So, he does not deserve for regular bail.

Heard the both parties at length and perused the entire case record alongwith case dairy. From perusal of the case record it is evident that present petitioner is the named accused of the F.I.R. and from perusal of video clip it is evident that he actively participated in the alleged assaulting of police personnel and thereby he caused hindrance in the discharging of the official duty of police personnel. Further, in para no. 67 of the case diary one injured witness namely

Vinod Kumar, P.S.I. Falika has specifically stated that Diwakar Yadav and Monu Yadav made lethal attack on one constable namely Sanjeev Ranjan. Further, other witnesses of the case diary have also supported the case of prosecution and investigation is still pending against the petitioner.

So, having consideration the above facts and circumstances of this case as well as gravity of this case and submission of the Ld. A.P.P. appearing for the state, I am not inclined to enlarge the above named accused petitioner on the bail. Accordingly, bail petition filed on behalf of the accused-petitioner namely Diwakar Yadav @ Divo Yadav is hereby rejected. However, petitioner may renew his bail petition before Id. Trial court after submission of charge-sheet.

A.S.J.-II
Katihar

Date of Order	19.06.2026
Date of Reserving Order	N/A
Uploading Date	0.07.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar