

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA
Dated, Saharsa, the 18th July, 2026

Present: - Dinesh Sharma, Principal District & Session Judge, Saharsa
B.A. No. 462/2026 (Arising out of Saharsa Sadar P.S. Case No. 273/2026)
Diwakar Suman @ Babu Saheb ... Petitioner Vs State of Bihar

In the matter of :-

Diwakar Suman @ Babu Saheb S/o Suresh Kumar Suman
Resident of Village Dumra, Ward No. 8, P.S. Nauhatta, District Saharsa.

.....**Petitioner**

Vs

State of Bihar

.....**Opposite Party**

Appearance :-

For the Petitioner :- Sri Upendra Jha, Advocate

For the State :- Sri Krishna Murari Prasad, Ld. P.P.

Sl. No.	Date of proceeding	Order with the signature of the court	Office action taken with date
	18.07.2026	This bail petition has been filed on behalf of the petitioner namely Diwakar Suman @ Babu Saheb son of Suresh Kumar Suman who has been in custody since 27.05.2026 in connection with Saharsa Sadar P.S. Case No. 273/2026 registered under Sections 103(1), 61(2), 3(5) of BNS and Section 27 of the Arms Act. 2.Heard the arguments of the learned counsel for the petitioner and the learned P.P. for the State. 3.It is submitted by the learned counsel for the accused petitioner that petitioner is in custody since 27.05.2026. It is further submitted that petitioner is quite innocent has falsely been implicated in this case. It is further submitted that petitioner bears criminal antecedent of two cases. It is further submitted that the alleged sections are not applicable against the petitioner. It is further submitted that there is no specific allegation against the petitioner. It is further submitted that no incriminating article has been recovered from the possession of the petitioner or from the house of petitioner. It is further submitted that petitioner has no manner of concern with the other accused persons. It is further submitted that petitioner is a student of P.G. and man of means and there is no chance of his absconding or tampering with the evidence in this case and he is ready to furnish sound sureties to the full satisfaction of the court. Upon these grounds, the learned counsel prays to grant bail to the petitioner.	

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<u>Cont/2</u> <u>18.07.2026</u>	4. On the other hand, the learned P.P. has opposed the prayer of bail. 5. Rival submissions considered, Record perused. 6. The prosecution case, in brief, is that as per the typed report of informant Jageshwar Jha is that on 13.03.2026 at about 09:00-09:30 P.M. his son Satish Jha @ Chhotu went to salon in front of Meera Talkies saying that he would get his hair and beard. He had to go to a function. Due to repeated phone calls not being answered and four-wheeler not being able to reach his house due to road construction work, he and his wife left the house for Meera Talkies so that he could go to the function along with his son Chhotu. When he along with his wife reached 10-20 steps before Meera talkies saw that four young men were riding on two bikes next to us due to which one Tushar Kumar, Shivam Kumar and Rohit Kumar along with unknown person passed him very fast and his son was standing near his new Thar four-wheeler and was talking to his friends Gandhi Yadav and Roshan Singh @ Roshan Don. Both the motorcycles stopped there, and Tushar Kumar got down first and shot his son in the back from behind. After that Shivam Kumar also got down and shot him in the face. Then Rohit Kumar and the unknown person also started firing at his son. When his son fell unconscious, they started kicking him. After that both criminals turned their bikes and another unknown persons started coming toward us and kept running straight in which people identified three of them again Shivam Kumar, Tushar Kumar and Rohit Kumar all of them fled away from there. He reached near car and saw his son bleeding and started shouting. Thereafter his eldest son Ashish also arrived after someone called. He immediately brought his son to Surya Hospital, where the Doctor declared him dead. It is further alleged that six months ago Golu Yadav along with Tushar, Shivam along with other attacked on Chhotu Mishra with intention of killing by sticks and rods at Saharsa Bus Stand. His son did not report the incident to the police. His son always told him that Golu Yadav hatched conspiracy to kill
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Cont/3-
18.07.2026

him with hired criminals.

7. The petitioner Diwakar Suman @ Babu Saheb is seen in the CCTV footage in the company of co-accused persons as mentioned in para 83 of the case diary. The co-accused persons who are seen with the petitioner have fired upon the deceased as per the FIR. The petitioner bears criminal antecedent of two cases as mentioned in para 3 of his bail application.

8. Considering the totality of the facts and circumstances of the case, this court is not inclined to grant bail to the petitioner at this stage. Resultantly the instant regular bail application filed by the petitioner Diwakar Suman @ Babu Saheb is hereby **rejected**.

(Dictated)

Sd/-

(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

18.07.2026

Date of Judgement/Order	18.07.2026
Date of Reserving Judgement/Order	17.07.2026
Uploading Date	21.07.2026
Uploaded by	Sachin Kumar