

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56282 of 2015**

Arising Out of PS.Case No. -113 Year- 2015 Thana -EKMA District- SARAN

=====

Pappu Kumar Prasad @ Papu Kumar Prasad Son of Late Ganga Sagar Prasad Resident of Village- Gajiapur, P.S.- Ekma, District- Saran at Chapra (Bihar).

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**

ORAL ORDER

3      11-02-2016                      Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Ekma P.S. Case No. 113 of 2015 registered for the offences punishable under Sections 341, 323, 307, 34 of the Indian Penal Code later on the case was converted under Section 302 of the Indian Penal Code.

Allegedly, the informant after hearing the cry went near the pond and saw the petitioner and two co-accused assaulting Devendra Kumar Prasad, the brother of the informant and in the

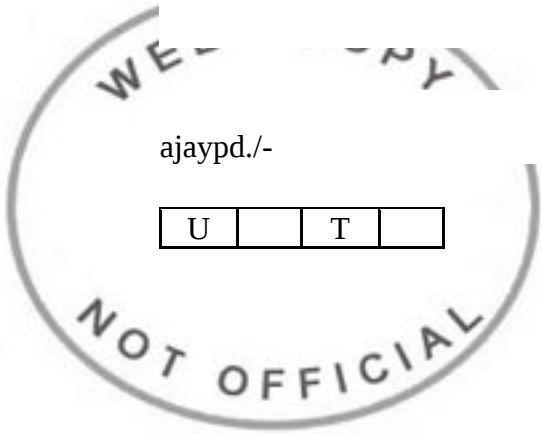
meantime, the petitioner gave repeatedly knife blow, causing injury to him and thereafter during treatment Devendra Kumar Prasad died.

Submission is of false implication and that the informant appears not as eye-witness but his statement has also been recorded after the death of Devendra Kumar Prasad in Patna Medical College and Hospital and in these two statements, there are contradictions. In the post-mortem report the Doctor has found that wound was caused by sharp cutting heavy weapon, the petitioner has voluntarily surrendered on 08.07.2015 and since then he is in custody.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the informant in his further statement as also in his further fardbeyan has stated that the petitioner assaulted with knife repeatedly causing injury to the deceased and post-mortem report also corroborates the same.

In the facts and circumstances stated above, considering that the petitioner is the assailant, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Ekma P.S. Case No. 113 of 2015 pending in the Court of learned Chief Judicial

Magistrate, Saran at Chapra.



ajaypd./-

**(Jitendra Mohan Sharma, J.)**