

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62002 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- NAGARNAUSA District- Nalanda

ARVIND PRASAD Son of Late Bulkan Prasad Resident of Village -
Mahuatar Choti Masjid Nagarnausa, P.S.- Nagr Nausa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 307 of the Indian Penal Code.

As per the prosecution case, the petitioner is said to have given a knife blow on the stomach on the brother of the informant and thereafter he also assaulted the *bhabhi* of the informant. The brother of the informant died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There are no eye witness to the occurrence. The manner occurrence is other than what has been narrated in the FIR. He is in custody since 29.11.2020 and chargesheet has been submitted in the case without the postmortem report.



The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the postmortem report of the deceased is very much available and the direct allegation against the petitioner of having given a knife blow on the brother of the informant is supported from the contents thereof. Inquiry report of the *bhabhi* of the informant also supports the allegation against the petitioner in the FIR. It is lastly submitted that the petitioner was arrested with the knife which contains blood stain.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner who is said to be the assailant of the deceased together with the contents of the postmortem report which supports the prosecution case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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