

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23738 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

Kanhaiya Kumar @ Kanhaiya Kumar Das S/o Sri Narayan Das R/O
VILLAGE GARHSISAI P.S VIDYAPATI NAGAR DISTRICT-
SAMASTIPUR STATE- BIHAR.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Chandrabali Das S/o Baleshwar Das R/o vill - Harpur Rewari, P.S. - Angar
Ghat Nagar, Distt. - Samastipur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kant Kumar
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

8 22-11-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Vidyapati Nagar P.S. Case No. 59 of 2023 registered for the
offences punishable under Sections 302, 201, 34 of the Indian
Penal Code.

3. As per prosecution case, marriage of informant's
daughter was solemnized with the petitioner in the year 2015. It
is further alleged that informant's daughter was tortured and
assaulted by the petitioner and others due to non fulfillment of
demand of dowry. It is further alleged that on 13.05.2023
petitioner and others killed the informant's daughter by hanging



her.

4. Learned counsel for the petitioner submits that petitioner is in custody since 28.07.2023 and bears no criminal antecedent. Learned counsel for the petitioner has made a defence that information was given to the prosecution side regarding the death of the deceased. He further submits that victim was suffering from breast cancer. He further submits that member of informant's side participated in the last ceremony of the deceased. Informant is not eye witness of the occurrence. Charge has been framed. He further submits that co-accused Narayan Das and Rajesh Kumar have been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 46968 of 2023 and 63992 of 2023 respectively.

5. Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for bail of the petitioner and submitted that petitioner being husband of the deceased has not taken any positive approach to resolve the dispute rather he played primary role which is evident from the prosecution story. He further submits that case of present petitioner is on different footing to the case of aforesaid co-accused persons as petitioner is husband of the deceased. They further submitted that in para 97 of the case diary petitioner has not made any averment that



deceased is suffering from Cancer and all the defence taken by the petitioner is afterthought.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, petitioner is husband of the deceased as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

7. However, if the trial is not concluded within nine months from the date of receipt/production of a copy of this order, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

