

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35306 of 2024

Arising Out of PS. Case No.-218 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Krishna Kant Kharwar Son of Ramadhin Kharwar R/o Village- Tirojpur,
Police Station Durgawati, District Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate

For the Opposite Party/s : **Mr. Arun Kumar, APP**

For the Informant : Mr. Kumar Sunil, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 27-09-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Durgawati P.S. Case No.218 of 2022 registered for the offence under Sections 302, 498(A) and 34 of the Indian Penal Code.

3. Allegation against the petitioner is to have committed murder of the grand-daughter (*Natini*) of the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that the petitioner is husband of the deceased and marriage of the deceased was



solemnized with the petitioner on 11.03.2012. It is submitted that it appears from perusal of FIR, no allegation as regard to demand and past torture has been levelled against this petitioner. It is submitted that similarly situated co-accused persons have already been granted bail by this Court through Cr. Misc. No.19003 of 2024 on 21.03.2023 and Cr. Misc. No.72212 of 2022 on 20.03.2023. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 21.07.2022.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. In view of the submissions, as made above and nature of allegation and as this petitioner is husband of the deceased and as it appears from perusal of *post mortem* report that cause of death is due to asphyxia leading to cardiorespiratory failure caused by strangulation, where, dead body of the deceased has been recovered from the house of the petitioner, where the explanation regarding recovery of dead body of the deceased not explained by the petitioner, this Court is not inclined to grant bail to the petitioner, at present.

7. Accordingly, the prayer of bail of the petitioner is rejected herewith.

8. Learned trial court is directed to expedite the



trial as far as possible.

(Ramesh Chand Malviya, J)

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