

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40036 of 2024

Arising Out of PS. Case No.-163 Year-2021 Thana- KAKO District- Jehanabad

MANISH KUMAR @ MANORANJAN KUMAR SON OF MUNARIK
PRASAD @ MUNARIK YADAV RESIDENT OF VILLAGE -
PAHALBIGHA, P.S. - KAKO, DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kalyan Jha, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kako
P.S. Case No. 163 of 201 registered for the offences punishable under
Sections 304(B) and 34 of the I.P.C.

3. As per prosecution case, petitioner married with the
deceased four years ago. It is alleged that on 20.10.2021 informant
got information that his niece has been killed by administering
poison and when she did not die of poison then petitioner and others
committed the murder of informant's niece by strangulation.

4. Learned counsel for the petitioner submits that the
bail of the present petitioner has already been rejected by this Court
twice i.e. vide Cr. Misc. No. 33165 of 2022 on 16.01.2023 and vide
Cr. Misc.75584 of 2023 on 08.12.2023 with an observation that if the



trial is not concluded within three months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that petitioner is in custody since 01.02.2022 and bears no criminal antecedent. He further submits that petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. He further submits that deceased was mentally ill and petitioner did everything to support the deceased to recover from mental illness.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected by this Court twice i.e. vide Cr. Misc. No. 33165 of 2022 on 16.01.2023 and vide Cr. Misc.75584 of 2023 on 08.12.2023. Learned A.P.P. further submits that there is allegation against the petitioner and others to commit the murder of informant's niece when she did not die on account of administering poison then she was being strangled and FSL report supports that death was on account of administering poisonous substance.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 141/2024 dated 20.07.2024 has sent its report in which it has been mentioned that out of ten witnesses, eight witnesses has already been examined and only one witness is yet to be examined which means that substantial progress has been taken place in trial. The report further reveals that the trial court has sought three months



to conclude the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, trial court is directed to expedite the trial as early as possible.

(Alok Kumar Pandey, J)

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