

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2115 of 2024

Arising Out of PS. Case No.-231 Year-2022 Thana- KHARIK District- Bhagalpur

Kanhaiya Kumar Yadav @ Krishna Kumar Yadav, aged about 36 years, Male,
Son of Late Ramdeo Yadav, R/o Kharik Bagari, P.S. - Kharik, Distt. -
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party : Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kharik
P.S. Case No. 231 of 2022 dated 23.09.2022 registered for the
offences punishable under Sections 302, 376 and 309/34 of the
I.P.C.

3. As per the prosecution case, on 22.10.2022 at 11.00
A.M., the informant's daughter had gone to the college for
admission but she did not return. A call at 7.30 P.M. came at his
aunt's phone, introducing herself to be her friend and told that
the victim had gone to toilet and switched off the said mobile.
Again at 3.00 A.M., in the night, a call came to the informant's
Bhaganjamai which was identified to be of the petitioner on



truecaller, who threatened him to kill the victim. Next day, the informant came to know that his daughter was murdered and the informant saw that the victim was strangulated after establishing physical relationship. It is further alleged that the petitioner murdered her daughter and slept beside her after consuming poison.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. There is no eye witness to the alleged occurrence. There was love affair between the petitioner and the deceased. It is further submitted that the victim herself has consumed poison and she also gave poison to the petitioner but due to proper treatment he was saved, so, no case under Section 302 of the I.P.C. is made out against the petitioner. The petitioner is in custody since 25.09.2022. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner by submitting that there is direct allegation against the petitioner for committing murder of the deceased.

6. Considering the aforesaid facts and circumstances



of the case as well as finding substance in the contention of learned counsel for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Kharik P.S. Case No. 231 of 2022, pending in the court of learned Exclusive Special Judge (POCSO) 7th Additional District and Sessions Judge, Bhagalpur.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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