

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52077 of 2025**

Arising Out of PS. Case No.-227 Year-2024 Thana- BANMANKHI District- Purnia

Kanhaiya Kumar @ Kanhaiya Kumar Das S/o- Abhinandan Das Resident of  
Nehru Chowk ward no- 5 PS- Banmankhi District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                                 |
|----------------------|---|-------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kumar Thakur, Advocate<br>Ms. Vaishnavi Singh, Advocate<br>Mr. Ritwik Thakur, Advocate |
| For the State        | : | Mr. Manoj Kumar, APP                                                                            |
| For the Informant    | : | Mr. Subesh Sharma, Advocate                                                                     |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      15-09-2025              Heard learned counsel for the petitioner and learned APP  
  
for the State as also learned counsel for the informant and  
  
perused the case diary.

2.      The petitioner seeks bail in connection with  
  
Session Trial No. 552 of 2024 arising out of Banmankhi P.S.  
  
Case No. 227 of 2024, instituted for the offences punishable  
  
under Sections 304-B and 34 of the Indian Penal Code.

3.      The prosecution case, in short, is that, the accused  
  
persons including the petitioner committed murder of the  
  
informant's daughter for non-fulfillment of dowry demand.

4.      Learned counsel for the petitioner submits that the  
  
petitioner is innocent and has falsely been implicated in the



present case. Charge sheet is submitted after investigation and charge is also framed in this case. Learned counsel for the petitioner also submits that the petitioner is husband of the deceased. The allegation levelled against the petitioner is general and omnibus in nature. No specific allegation has been attributed against the petitioner. The petitioner is in custody since 05.10.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 09.07.2025 passed in Cr. Misc. No. 31717 of 2025.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner of committing murder of the deceased. It is further submitted that the trial is in progress and five witnesses out of seven have been examined in this case. Hence, the petitioner does not deserve the privilege of bail. Learned APP has further relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC Online SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph No.14, Hon'ble Apex Court has observed as under:

*“14. Ordinarily in serious offences like rape, murder, dacoity,*



*etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”*

6. Considering the aforesaid facts and circumstances of the case and since trial has commenced and it is on the verge of its conclusion, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is ***rejected***.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of two months.

8. However, petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of two months from today.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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