

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86535 of 2025

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

Kanhaiya Kumar @ Kanhaiya Kumar Das @ Kanhai Kumar Das Son of Sri
Narayan Das R/o Vill. - Garhsisai, P.S. - Vidyapatinagar, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-03-2026 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
Sessions Trial No. 36 of 2024 arising out of 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 on 22.11.2024 the prayer for bail of the petitioner has already been rejected on merit with an observation that 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. He further submits that petitioner has renewed his prayer for bail after near about one year from the date of rejection of his prayer for bail. He further 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. He further submits that delay of trial is



not attributable to the present petitioner as he is in custody since 28.07.2023.

5. 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. In pursuance of the direction of this court, the learned trial court vide letter no. 21 of 2026 dated 22.01.2026 has sent its report which reflects that out of 12 charge sheeted witnesses, 9 witness have already been examined and trial is at the fag end.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has already been rejected on merit as well as



report of the learned 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, the learned trial is directed to conclude the trial as early as possible.

(Alok Kumar Pandey, J)

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