

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45270 of 2023

Arising Out of PS. Case No.-786 Year-2021 Thana- KAHALGAON District- Bhagalpur

Badal Kumar Son of Gopal Mandal Resident of village - Bansipur, P.S. -
Kahalgaon, Distt. - Bhagalpur Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 22.06.2022 in connection with S.T. No. 383 of 2022 arising out of Kahalgaon P.S. Case No. 786 of 2021, F.I.R. dated 14.11.2021 for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other persons have murdered the nephew of the informant by poisoning her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and in fact, the deceased has committed suicide herself.

5. The learned Additional Public Prosecutor on the



material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that the postmortem report as well as F.S.L. report support the allegation as alleged in the F.I.R and the F.S.L. report (Viscera report) suggests that “*ALUMINIUM PHOSPHIDE was detected in the contents of plastic jars (two). Aluminium Phosphide commercially known as “CELPHOS” is a severe gastro-intestinal irritant. It is used as a grain preservative and is highly poisonous.*” He further submits that according to the report of the learned Trial Court, out of 10 charge sheet witnesses, 6 witnesses have been examined and only 4 witnesses are required to be examined in the present case.

6. Considering the aforesaid facts as well as report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with S.T. No. 383 of 2022 arising out of Kahalgaon P.S. Case No. 786 of 2021 pending in the court of learned Additional Sessions Judge XIV, Bhagalpur.

7. Prayer is refused.

8. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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