

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23254 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- KAHALGAON District- Bhagalpur

Sanjay Kumar S/o Dukhharan Yadav R/o Village- Gopalichak, Ward No. 9,
P.S.- Sirmatpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kahalgaon P.S. Case No.134 of 2024 for the offence under Sections 308, 328, 342, 34 of the Indian Penal Code, lodged on 22.02.2024 by the informant, Nagendra Kumar.

3. As per the prosecution story, the informant alleged that his daughter (now deceased) was a student of ANM Institute, Kahalgaon. In the night of 21.02.2024, one Sanni Kumar mixed poison in her food and made her critical. The further allegation against the Institute/Staff is of having delayed response to the said critical condition, which led to her death. This followed the F.I.R.

4. Learned counsel for the petitioner submits that



there is specific allegation against Sanni Kumar and further allegation is against the Institute members, including the petitioner herein that he was also involved in the occurrence. The petitioner has no role to play in the said mixing of the poison in the food, which is specific to Sanni Kumar, as the informant has also alleged about an audio clip.

5. Learned counsel for the informant opposes the prayer and has taken this Court to the FSL report that Aluminium phosphide, which is part of celphos, has been found in the report. He further submits that Sanni Kumar has been denied the privilege of anticipatory bail vide order dated 19.04.2025 passed in Cr. Misc. No.3419 of 2025.

6. Having gone through the facts of the case and also the materials available on record, the main allegation is against Sanni Kumar that he actually mixed poison in the food, causing the death of the lady, allegation is further against the members of the Institute, including the petitioner but main role is assigned to Sanni Kumar. At best, the allegation against the petitioner is that he along with other members, delayed the movement of the lady to the hospital, the petitioner has no criminal antecedent and in that background, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No.134 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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