

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48451 of 2025

Arising Out of PS. Case No.-802 Year-2023 Thana- RAJIVNAGAR District- Patna

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Aakash Kumar S/o Balram Prasad @ Amar Nath Resident of Ramjee Chak,
P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Raj, Adv.
Mr.Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.Tr. No.911 of 2025, arising out of Rajiv Nagar P.S. Case
No.802 of 2023 lodged under Sections 302/34 of the IPC.

3. Learned counsel for the petitioner submits that the
bail application of the petitioner has earlier been rejected vide
order dated 26.07.2024 passed in Cr. Misc. No.36014 of 2024.

4. Learned counsel for the petitioner further submits
that the petitioner's antecedent is clean and he is in custody
since 16.12.2023. He further submits that in the FIR, there was
specific allegation that death of the deceased took place by
virtue of strangulation of his neck. He further submits that the



material has come in the case diary which was considered by this Hon'ble Court and thereafter, the bail application was rejected.

5. Counsel further submits that at the time of rejection of the said application, the FSL report has not come. He further submits that subsequently FSL report has been received which contradict the story of the FIR and the case diary. Therefore he filed the regular bail application afresh before the sessions court, but his bail application was rejected thereafter he preferred the present bail application.

6. Counsel further submits that the rejection order indicates that in the FSL report, the Aluminium Phosphide commonly known as Celphos was found in the Viscera of the deceased. The existence of said poison in the body of the deceased and allegation of death by strangulation made in the FIR, are in contradiction. In this background, the allegation made against the petitioner is absolutely false.

7. Learned APP for the State opposes the prayer for bail and submits that viscera report of the deceased indicates that celphos was found then it creates shadow in the earlier prosecution story.

8. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of District & Addl. Sessions Judge-XXIX, Patna in connection with S.Tr. No.911 of 2025, arising out of Rajiv Nagar P.S. Case No.802 of 2023, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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