

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85329 of 2025

Arising Out of PS. Case No.-477 Year-2022 Thana- KISHANGANJ District- Kishanganj

Nasim Akhter @ Nasim Akhtar @ Md. Nasim @ Kaldur @ Nasim S/o Md. Samiruddin @ Samiruddin @ Lakariya Resident of Village - Balichuka, Ward No 13, Police Station - Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kishanganj P.S. Case No. 477 of 2022 registered for the alleged offences under Sections 341, 323, 307, 328, 506/34 of the Indian Penal Code.

03. As per prosecution case, the brother of the informant was administered some insecticide by the petitioner and other co-accused persons, who died during his treatment.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged in the manner has ever taken place. The deceased was married to the daughter of the



petitioner and has two children from this marriage. The deceased used to torture his wife over dowry demand and had ousted the daughter of the petitioner from his house and started living separately. The deceased was also having dispute with his brothers and he became depressed and committed suicide. The falsity of allegation is apparent from the fact that the FIR has been lodged after much delay. For an occurrence of 11.11.2022, the FIR has been lodged on 06.12.2022. The postmortem report shows there was no external injury on the body of the deceased and on examination of viscera report, the fact came to notice that there was presence of aluminium phosphide in the viscera. The police investigated the matter and filed the charge-sheet under Section 306 IPC. The petitioner is having clean antecedent and is in custody since 25.07.2025.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in lodging of the FIR without any satisfactory explanation and also considering subsequent filing of charge-sheet under Section 306 of IPC and further considering the period of custody of the petitioner and his clean antecedent along with



submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj/court concerned in connection with Kishanganj P.S. Case No. 477 of 2022, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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