

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12420 of 2026

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

Sanni Kumar @ Ashish Kumar Gupta Son of Ram Prakash Gupta Resident of
Village and P.O.- Banmankhi Rajhat, Ward No. 17, P.S.- Banmankhi, District-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-02-2026 Heard Mr.Diwakar Upadhyaya, learned counsel for the

petitioner and Mr.Chandra Sen Prasad Singh, learned APP for the

State.

2. The petitioner is in custody in connection with
Kahalgaon P.S. Case No. 134 of 2024 for the offence punishable
under sections 302, 328, 342 and 34 of the Indian Penal Code
lodged on 22.02.2024 by the informant, Nagendra Kumar Sah.

3. As per the prosecution story, the informant alleged
that his daughter was getting training at an A.N.M. Institute and on
21.02.2024, allegation is that she was served the food which was
laced with poison, was drinking water repeatedly and vomiting,
was taken to the hospital where she breath her last. The allegation
is also against the Principal and the Hospital Staff where
ultimately she was rushed to. This led to the FIR.



4. In this case, case diary, postmortem report as also the FSL reports were called for which are on record.

5. Learned counsel for the petitioner submits that he served as a servant in A.N.M. Institute, was given the duty of serving food and not a cook and as such there is no question of giving any poison.

6. Learned APP on the other hand submits that after taking she complaints that the food is not good and was shifted to the hospital where she died. The FSL report shows that sulphas was found in the body. He opposes the prayer and submits that despite being the person who served the food, he cannot exonerate himself from the responsibility.

7. Considering the submissions of the parties as also the fact that the girl consumed food which followed her deterioration of health and finally death, the petitioner claims to be serving the food and not the cook, has remained in custody since 26.09.2024 and has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional



Sessions Judge-XIII, Bhagalpur or Successor Court, in connection with Kahalgaon P.S. Case No. 134 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his 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 bail bond by the Trial Court itself;

(iii) 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;

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

(Rajiv Roy, J)

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