

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73596 of 2025

Arising Out of PS. Case No.-311 Year-2024 Thana- DESARI District- Vaishali

Sonu Kumar @ Sonu Kumar Singh S/o Late Surya Narayan Singh R/o
Village- Khorampur, P.S.- Chandpura (O.P. Desari), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Atul Kumar
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-02-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Desari P.S. Case No. 311 of 2024, registered for the offences punishable under Sections 108, 123 and 3(5) of the BNS.

3. Allegedly, on the fateful day, the husband of the informant, who works as a Driver of four-wheeler, was taken away by co-accused Prakash Singh along with the petitioner. However, after two hours, when the husband of the informant came back, he was feeling unwell and lost his eyesight. The informant's husband was taken to the Hospital where he was declared dead. The informant suspected that both the accused persons have killed her husband by administering a poisonous substance.



4. Learned Advocate for the petitioner submitted that the petitioner has nothing to do with the present occurrence, moreover the entire case falls to the ground for the simple reason that during post mortem, no internal or external injuries have been found and since the cause of death could not be ascertained; hence viscera has been preserved. There is no eye witness to the alleged occurrence, who has seen that the petitioner or any of the person have administered any poisonous substance. Only on account of the fact that the husband of the informant went along with the co-accused and the petitioner, a suspicion has been raised. However, later on when the informant came to know about the true fact, she filed an affidavit showing innocence of the petitioner. The petitioner bears two criminal antecedent, however both relates to Bihar Prohibition and Excise Act, 2018.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the entire case is based on suspicion, coupled with the post mortem report which suggests no external or internal injury, let the petitioner abovenamed be released on



bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 311 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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