

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85404 of 2025

Arising Out of PS. Case No.-592 Year-2024 Thana- SAKRA District- Muzaffarpur

Mohan Kumar S/O Ratnesh Rai R/O Vill./Mohalla- Nagin Mushahari, P.S.-
Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-04-2026 Heard Mr. Shubhesh Pandey, learned counsel for the

petitioner and Mr. Surendra Prasad Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.07.2025 in connection with Sakra P.S. Case No. 592/2024,
F.I.R. dated 22.11.2024 for the offences punishable under
Sections 103, 123 read with Section 3(5) of the B.N.S.

3. According to prosecution case, on 12.11.2024, the
informant got to know that his sister has consumed poison, after
which in-laws of his sister escaped and no one could be found.
The informant alleges that the accused persons used to assault
her and threatened her to administer poison.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. It appears from the F.I.R. that the allegation against the petitioner is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The petitioner is husband of the deceased.

5. Vide order dated 17.03.2026 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 01.04.2026 reveals that the no witnesses have been examined as yet due to non-appearance of accused persons and after framing of charge witnesses will be examined.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submitted that sufficient material has come during investigation which shows the involvement of the petitioner in the alleged occurrence. Opinion about cause of death in the post mortem report was kept reserved, however, viscera were preserved in saturated solution of common salt and were sent to FSL for chemical analysis. Following viscera were preserved naming:
“(a) Stomach and its contents (b) A portion of lung (c) A portion of liver (d) A portion of spleen (e) A portion of kidney. (II) TSD was 12 to 24 hr. (III) Final opinion will be given when chemical analysis report is available.” Further, the F.S.L Report suggests that “**ALUMINIUM PHOSPHIDE**” was detected in



the contents of glass jar as described above:

“Aluminium Phosphide commercially known as ‘CELPHOS’ is a severe gastro-intestinal irritant. It is commonly used as grain preservative and is highly poisonous.”

7. Considering the nature of allegation in the FIR which is supported from the FSL Report, I am not inclined to enlarge the petitioner on bail in connection with Sakra P.S. Case No. 592/2024 pending in the court of learned A.C.J.M.15th, East Muzaffarpur.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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