

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85820 of 2025

Arising Out of PS. Case No.-627 Year-2024 Thana- BEUR District- Patna

Uttam Kumar, S/O Ashok Kumar, R/O Makhdumpur, P.S.- Beur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 26-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with
Beur P.S. Case No. 627 of 2024 registered for the offence
punishable under Section 105 of B.N.S.

3. The case of the prosecution, in short, is that the
informant came to know that Kundan Kumar has fallen from the
roof. Then he went to see him. When he reached near Andan
Dental Clinic then he found there petition and Lucky Singh with
two other unknown persons. After that he was rushed to the
hospital and was declared dead by the Doctor.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. It has further
been submitted that from perusal of the postmortem report, it will



transpire that the deceased has received certain antemortem injuries and from perusal of the FSL report, it will transpire that the viscera of the deceased contained aluminum phosphide, commercially known as *Celphos*, which is a severe gastrointestinal irritant. It has further been submitted that in this case, the name of this petitioner has been dragged only because he was present where the deceased had fallen. It has further been submitted that during the course of investigation, it has come to light that the deceased, co-accused Lucky Singh and Vikash were all friendly and they had consumed alcohol in the night as they were having a party and from the statement of Vikash, it is clear that the deceased had fallen from the roof and co-accused Lucky Singh had brought him to the clinic. He further submits that from perusal of the postmortem report, it is clear that the cause of death is the consumption of *Celphos*. *Celphos* is very pungent in nature. It cannot be forcefully administered. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 14.07.2025. It has also been submitted that similarly situated co-accused Lucky Singh has been granted bail by this Court vide Cr. Misc. No. 69502 of 2025. The case of this petitioner stands on similar footing.

5. The application for bail is vehemently opposed by the learned counsel for the informant and learned APP for the



State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Class, Patna, in connection with Beur P.S. Case No. 627 of 2024 **with the condition that petitioner shall cooperate in the trial.**

7. Learned trial Court is directed to expedite the trial.

(Ashok Kumar Pandey, J)

lata/-

U		T	
---	--	---	--

