

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57411 of 2018

Arising Out of PS.Case No. -260 Year- 2018 Thana -AMARPUR District- BANKA

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Mithilesh Kumar Mishra @ Fuki, S/o Late Mahadeo Prasad Mishra, R/o
Vill.- Salempur , P.S.- Amonour, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Pandey, Advocate.

For the Opposite Party : Smt. Pronati Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 302 of the IPC.

The prosecution story, in brief, is that the Dewar of
the informant, namely, Mithilesh Kumar Mishra came from
outside at 2.00 A.M. in the night and started abusing to her
husband who pacified him to sleep, in the meantime, Mithilesh
Kumar Mishra assaulting to her husband by fists and slaps in his
stomach and when she intervened to save him then Mithilesh
Kumar Mishra also brutally assaulted to her and to children and
when at 9.00 A.M. in the morning, she took her husband to police
station who watching the serious condition of her husband sent to
Hospital where her husband was referred to J.L.N.M.C. Hospital,
Bhagalpur, and from there her husband was referred to P.M.C.H.,



Patna, where her husband died during treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. In the alleged occurrence, no weapon is said to have been used. The deceased was assaulted by fists and slaps. The post mortem report also does not support the allegation made in the F.I.R.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Banka, in connection with Amarpur P.S. Case No. 260/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

