

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26258 of 2023**

Arising Out of PS. Case No.-656 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Durgesh Mishra S/O Bhagwan Misra Resident Of Village- Uma Nagar, Near
Vidya Mandir, P.S. And P.O. Deoria, District- Deoria, Uttar Pradesh

... .. Petitioner

Versus

1. The State Of Bihar
2. Bishun Pati Mishra W/O Basisth Mishra Resident Of Village- Dighura, P.S.-
Bhore, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 304B, 498A/34 of the Indian Penal
Code.

Allegation against the petitioner is of committing
torture and assault and thereafter committed murder of the
victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has been made accused due to mistake



of fact. A complaint case was instituted for offence under Section 304(B) and other allied section of the I.P.C. In course of enquiry under Section 202 Cr.P.C., the treating doctor of the deceased was examined before the Court as E.W. 6. The deposition of the said witness is part of Annexure-2 series. The said witness in his deposition has categorically stated that the deceased died due to encephalitis and the deceased was being treated at Bangur Institute of Neuro Sciences, Kolkata. Considering the deposition of E.W. 6, no offence under Section 304(B) I.P.C. is attracted in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve 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 Court below/concerned Court in connection with Complaint Case No. 656 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate during the



trial. If the petitioner does not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioner.

(Sudhir Singh, J)

Pankaj/Nitin

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