

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38074 of 2024**

Arising Out of PS. Case No.-8 Year-2024 Thana- KAMTAUL District- Darbhanga

Durgesh Mishra @ Durgesh Kumar Mishra SON OF SUDHIR MISHRA  
Resident of Village -Gopalpur P.S-. Kamtaul District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Karn

For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      08-07-2024              1.    Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2.    The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 395 and  
397 of the Indian Penal Code and Section 27 of Arms Act.

3.    Learned counsel for the petitioner submits that  
petitioner has antecedent of three cases but then all the cases  
have been instituted under the Excise Act. It is also submitted  
that it is well-known that once an accused is implicated in a case  
related to excise, thereafter the police implicates mechanically.  
It is next submitted that from perusal of allegation as alleged in  
the FIR, it would manifest that allegation of assaulting the  
informant on head by steel rod is against Chandan Yadav and  
thereafter it is alleged that when informant fell on the ground



the petitioner and Pankaj wrapped towel around the neck of the informant and trying to strangle him. It is further submitted that petitioner for ulterior reason has been implicated in the instant case with general and omnibus allegation of strangulation when specific allegation of assaulting on head by steel rod is against Chandan Yadav.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kamtaul P.S. Case No. 8 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

SUMIT/-

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