

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11045 of 2025

Arising Out of PS. Case No.-559 Year-2024 Thana- BARUN District- Aurangabad

Shailesh Kumar Mishra @ Shailesh Kumar S/o- Ayodhya Singh Resident of
Village- Ajaniya, P.S- Deo, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ashok Singh, Advocate
For the State : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-03-2025 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 offence under Sections 105 & 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per written report of informant namely Deepak Kumar Rai, who is an A.S.I. of Barun Police Station, an F.I.R. was lodged against seven accused persons, including this petitioner, wherein it is alleged that on 12.11.2024 at 12 noon, a dead-body of unknown person was found lying near *Pokhrahi Devi Mandir* wrapped in a cloth marked with '*Rashtriya Swasth Mission, Bihar, Aurangabad*'. It is further alleged that the accused persons named in the F.I.R. carried two unknown patients, who were in unconscious condition, in a government



ambulance, bearing registration no. BR01PJ-9752, and dropped them in a deserted place and later on, one of them died.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has been falsely implicated in this case only on suspicion. As a matter of fact, after recovery of the dead-body of the alleged patient, a U.D. Case No. 34 of 2024 was lodged on 14.11.2024 and the dead-body was sent for *post-mortem* examination. During investigation of the U.D. case, the villagers told that some persons came in Ambulance and disposed the dead-body near Devi Mandir of village Pokhrahi. In CCTV footage, it was found that one ambulance came near village Pokhrahi from the side of Siris More. It has also come during course of investigation that two unknown patients were referred for better treatment to the Sadar Hospital, Aurangabad and on the instruction and direction of co-accused Kumar Ashutosh Singh, Deputy Superintendent of Sadar Hospital, Aurangabad, two patients of unsound mind were dispatched through the Government Ambulance and dropped at a deserted place and petitioner has got no role in the entire episode. Petitioner has been made accused in this case merely because at the relevant time, he was posted as Supervisor in the Sadar Hospital, Aurangabad. Petitioner claims clean antecedent.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Barun P.S. Case No. 559 of 2024, subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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