

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61369 of 2025

Arising Out of PS. Case No.-65 Year-2021 Thana- KURTHA District- Jehanabad

Satish Mishra @ Satish kumar Pathak Son of Sambhu Dutt Pathak Resident of Village - Mishrabigha Makhpa Gaya, Charali, P.S. - Tekari, District- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2025 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 offence punishable under Sections 304/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 21.06.2021, his mother suffered pain in the stomach, accordingly, he took her to Dr. Mrityunjay Mishra, where he advised for an operation and asked to come on 23.06.2021, further on 23.06.2021, the mother of the informant was operated but then she died, as such, it is alleged that his mother died on account of negligence committed by Dr.



Mrityunjay Mishra and others.

4. Learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that being distant relative of Dr. Mrityunjay Mishra the petitioner was implicated, it is next submitted that petitioner is not associated with the hospital in any manner where the mother of the informant was operated. It is also submitted that informant after realizing his mistake has filed an application in the Court of learned C.J.M., Arwal dated 09.07.2025 (Annexure-2), wherein it is pleaded that the case was instituted on account of misunderstanding. It is further submitted that though the informant in his application before the learned C.J.M. has recorded that petitioner is his brother-in-law but then it has been specifically pleaded at Para-11 of the anticipatory bail application that petitioner is a distant relative of Dr. Mrityunjay Mishra and is not his brother-in-law.

5. Learned A.P.P. vehemently opposes the prayer for anticipatory bail of the petitioner.

6. 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 Court below 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 Kurtha P.S. Case
No.65/2021, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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