

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16169 of 2026

Arising Out of PS. Case No.-756 Year-2023 Thana- SHERGHATI District- Gaya

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Alok Mishra @ Alok Kumar, Son of Pawan Mishra, Resident of Mohalla -
Shekhpura, P.S. - Sherghati, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-04-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Sherghati P. S. Case No. 756 of 2023 registered for the offences punishable under Sections 328, 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the deceased who was the grandfather of the petitioner, had divided his entire property among his three sons and one daughter and retained one share for himself. After the partition, the shares of the sons were mutated in their respective names and thereafter, the prosecution party started neglecting the deceased and did not take proper care of him and then the deceased started residing with the petitioner's family and since then, bad relation developed and the other sons of the deceased were annoyed with



the care and support being provided to deceased by the petitioner's family. The deceased was about 87 years old person at the time of his death and had been undergoing continuous medical treatment for a long period and when his condition deteriorated due to illness, he was admitted to a private hospital, namely S. Samdarshi Hospital, where he remained under treatment and was finally discharged on 11.07.2023 and in this regard, relevant documents concerning to his medical treatment have been filed with this petition as Annexure- P/3. Learned counsel further submits that on 13.07.2023, all of a sudden the health condition of the deceased became serious and he was rushed to ANMMCH, Gaya, where during the course of treatment he died and in the post-mortem report, the cause of death of the deceased could not be ascertained and then his viscera was sent to the FSL for forensic examination. The FSL examination detected a etorphine, a derivative of morphine, which is commonly used for pain relief, thereby falsifying the allegations made in the FIR. It is lastly submitted that the informant has lodged the FIR with malafied intention based mainly on suspicion and there is no any evidence to support the allegations.

4. Learned APP for the State opposes the bail prayer



of the petitioner.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as above submissions, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Sherghati P. S. Case No. 756 of 2023 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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