

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26405 of 2026

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

1. Pawan Mishra S/o Late Shivratan Mishra R/o Mohalla - Shekhpura, Gola Bazar, P.S - Sherghati, District - Gaya
2. Bholu Mishra S/o Pawan Mishra R/o Mohalla - Shekhpura, Gola Bazar, P.S - Sherghati, District - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pushpendra Priyedarshi, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Sanjay Kumar Ojha, Advocate
		Mr. Ved Prakash Chandan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2026 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners seek bail in connection with
Sherghati P.S. Case No.756 of 2023 registered for the offence
under sections 328, 302/34 of the Indian Penal Code.

3. The petitioners, who are the brother and
nephew of the informant, are said to have killed the father of the
informant by injecting intoxicating drug.

4. The petitioners are in custody since
02.09.2025 having clean antecedent.

5. Learned counsel for the petitioners submits
that the deceased, being the father of petitioner no. 1 and the



grandfather of petitioner no. 2, had partitioned his entire property amongst his three sons and one daughter, while retaining one share for himself. It is submitted that, upon such partition, the respective shares of the sons were duly mutated in their names. Thereafter, the prosecution party allegedly began neglecting the deceased and failed to provide him proper care, whereupon he came to reside with the family of the petitioners. It is further submitted that, on account of the care and support extended by the petitioners to the deceased, strained relations developed and the other sons of the deceased became aggrieved.

6. Learned counsel further submits that the deceased was about 87 years of age at the time of his death and had been under prolonged medical treatment. Owing to deterioration in his health, he was admitted to S. Samdarshi Hospital, a private hospital, where he remained under treatment and was discharged on 11.07.2023. It is submitted that on 13.07.2023, his condition suddenly became critical, whereafter he was taken to ANMMCH, Gaya, where he died during treatment. It is further submitted that the post-mortem report did not ascertain the cause of death, whereupon the viscera was sent for forensic examination. According to the FSL report, etorphine, a derivative of morphine commonly used for pain



management, was detected, which, according to the petitioners, belies the allegations made in the FIR. It is submitted that the FIR has been instituted by the informant with a mala fide intention and merely on suspicion, there being no cogent material to substantiate the allegations levelled therein.

7. It is lastly submitted by the learned Counsel for the petitioners that co-accused Alok Mishra @ Alok Kumar was granted the privilege of anticipatory bail by the Co-ordinate Bench of this Court vide order dated 01.04.2026, passed in ***Criminal Miscellaneous No. 16169 of 2026***, titled as '***Alok Mishra @ Alok Kumar vs State of Bihar***'. Co-accused Manju Mishra who is the wife of the petitioner no. 01 was granted bail by this Court vide order dated 24.03.2026 passed in ***Criminal Miscellaneous No. 2338 of 2026*** titled as '***Manju Mishra vs State of Bihar***'.

8. Learned counsel for the informant and the State have vehemently opposed the present petition.

9. Considering the aforesaid facts and the fact that the deceased octogenarian is the father of the petitioner no.1 and the grand-father of the petitioner no.2, who were living with them and had passed away while undergoing treatment, together with the fact that the FSL report does not support the case of



poisoning, this application is allowed.

10. Let the petitioners, above named, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court below, in connection with Sherghati P.S. Case No.756 of 2023.

11. It is clarified that this Court has not expressed any opinion on the merits of the case and the observations made by this Court is only for the purpose of deciding this bail application.

(Sandeep Kumar, J)

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