

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51842 of 2014

Arising Out of PS.Case No. -70 Year- 2014 Thana -BEERPUR District- BEGUSARAI

1. Kushmesh Kumar
2. Abhishek Kumar @ Gopal Kumar @ Gopal
Both sons of Pashupati Rai, both resident of Mohalla Professor Colony
behind G.D. College P.S.Town Dist. Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Mishra
For the State : Mr. Ram Chandra Singh (App)
For the Informant : Mr. Ajay Kr. Tiwary

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2015 Heard the parties.

The two petitioners herein are brothers and they seek anticipatory bail in connection with Birpur P.S. case no. 70 of 2014 registered under Section 302/34 of the IPC.

Petitioners are named in the FIR. It has been alleged by the father of the deceased (informant) that on the date of occurrence two petitioners came and took his son on the plea that he has to attend 'barrat' of petitioner no.2 who is going to be married . Following day the dead body of his son was found deserted.

Contention of the petitioners is that no motive has been assigned for the occurrence. In the further statement of the

informant and other family members they have not stated anything save and except that the deceased accompanied the petitioners. They do not have any criminal antecedent.

Counsel for the informant as well as the State looking to the case diary points out that shoes and socks of the deceased was found lying behind the house of the petitioners which was seized and put on TIP where the family members have identified the same to be of the deceased.

In my view, considering the materials available on record, petitioners do not deserve privilege of anticipatory bail. Prayer is rejected.

Let the petitioners surrender and pray for regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit uninfluenced in any manner by the present order.

(Kishore Kumar Mandal, J)

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