

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52784 of 2015**

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

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Kushmesh Kumar, S/o Pashupati Ray, R/o Village Dinkar Nagar, Professor  
Colony, Behind, G.D College, P.S. Nagar, District- Begusarai.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Harsh Singh

For the Opposite Party : Mr. Jitendra Kumar Singh 1 (App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

**ORAL ORDER**

6 01-03-2016

Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner is accused in connection with Birpur  
P.S. Case No. 70 of 2014, registered under Section 302/34 of the  
Indian Penal Code and Section 27 of Arms Act.

The allegation of informant Chun Chun Jha is that in  
the evening of 02.06.2014 petitioner along with his brother  
Gopal Kumar and 3-4 other unknown came at his door and asked  
about his son Jotish Kumar to accompany them to attend the  
marriage ceremony. Thereafter, Jotish Kumar, son of the  
informant, was accompanied by the petitioner and others. On the  
next day at about 08.00 A.M., the informant received  
information that dead body his son Jotish Kumar is lying in  
village Babhangama, informant went there and found the dead

body of his son, who sustained firearm injury.

Learned counsel appearing on behalf of the petitioner submits that, in fact, on 02.06.2014, the marriage of the co-accused Gopal Kumar, full brother of the petitioner, was to be solemnized, therefore, no question arise about moving of this petitioner, which is own brother of Gopal Kumar, at the house of informant to accompany his son Jotish Kumar to attend the marriage ceremony. Further submission is that except the circumstances shown by the informant that this petitioner, his brother Gopal Kumar and four others accompanied the deceased Jotish Kumar in the evening of 02.06.2014 to attend the marriage ceremony, no other circumstance has been detailed in the case diary. The petitioner having no criminal antecedent and he is in custody since 09.07.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Amit Anand, J.M.1<sup>st</sup> Class, Begusarai, in connection with Birpur P.S. Case No. 70 of 2014.

**(Rajendra Kumar Mishra, J)**

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