

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1262 of 2018**

Arising Out of PS.Case No. -211 Year- 2017 Thana -BYPASS District- PATNA

- =====
1. Shubham Raj @ Golu Kumar @ Munna,
  2. Shubhanshu Raj @ Bholu Kumar,

Both are Sons of Late Om Prakash Gupta, resident of Mohalla- Purab  
Darwaza, P.S.- Malsalami, District- Patna.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate  
Ms. Babita Kumari, Advocate  
Mr. Nilesk Kumar

For the Opposite Party/s : Smt. Renuka Ratnakar

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL ORDER**

2      19-01-2018                      Heard learned counsel for the petitioners, learned  
  
Additional Public Prosecutor for the State and learned counsel  
  
for the informant.

The petitioners seek pre-arrest bail in connection  
with Bypass P. S. Case No. 211 of 2017 registered under  
Section 304 of the Indian Penal Code.

It is submitted by the learned counsel for the  
petitioners that save and except hypothetical presumption and  
wild suspicion made against the petitioners by the informant  
regarding their involvement, there is no other material to



connect them with the alleged offence. He submitted that the petitioner no. 1 is in Indian Navy and he was on duty on the alleged date of occurrence at Integrated Head Quarter, Ministry of Defence (Navy) and petitioner no. 2 is posted at FCI, FSD, Brahmpura in the district of Muzaffarpur and he was also on duty on that day from 10 am to 6 pm. He also submitted that a title suit is going on between the parties in which the petitioners' family has filed a civil revision bearing Civil Revision No. 94 of 2013, which was allowed and compromise decree was set aside by this Court vide order dated 03.05.2016.

On the other hand, learned counsel appearing for the informant vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He submitted that though no one has witnessed the alleged occurrence, it is the fact that the petitioners used to regularly threaten the informant that her only son would be killed. He submitted that the manner in which the accident took place raises doubt regarding involvement of the petitioners.

I have heard learned counsel for the petitioners and perused the record.

Regard being had to the nature of allegation made in the FIR and the submissions made above, in the event of arrest



or surrender before the court below within six weeks from today, the petitioners named above are 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 learned Additional Chief Judicial Magistrate-IV, Patna City in Bypass P. S. Case No. 211 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J.)**

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