

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18482 of 2023

Arising Out of PS. Case No.-83 Year-2020 Thana- MORKAHI District- Khagaria

Sarthak Bhardwaj Son Of Saroj Singh Resident Of Village - Bachhauta, P.S. -
Morkahi, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-06-2023 Heard Mr. Viveka Nand Singh, learned counsel

appearing on behalf of the petitioner and Mr. Umesh Lal Verma,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Morkahi P.S. Case No. 83 of 2020 registered for the
offence punishable under Sections 147, 341, 323, 325, 307, 379,
504, 506 and 120(B) of the Indian Penal Code.

3. Prosecution story, in brief, is that the accused
persons named in the FIR including the petitioner had assaulted
the informant and snatched Rs. 20,000/- In the said incidence,
right leg of the informant was fractured. Recovery of arms and
other articles were made from the possession of the co-accused
Govind Kumar.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and no specific allegation has been made against him. He further submitted that there is direct allegation of assault against co-accused Govind Kumar and Kunal Singh. There is case and counter case between the parties. Both the parties have lodged FIR against each other. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submission made by the parties and nearly 23 days delay in lodging of the FIR from the date of the incidence i.e. 17.07.2020 and the FIR was lodged on 10.08.2020. No specific allegation of assault has been made against the petitioner. There is case and counter case between the parties. I am of the opinion that petitioner has *prima facie* made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Khagaria in connection with



Morkahi P.S. Case No. 83 of 2020, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/-

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