

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46877 of 2023

Arising Out of PS. Case No.-214 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Vikash Kumar Pandey @ Vikash Pandey, aged about 35 years (Male) Son of Rishikesh Pandey, resident of village - Raja Chapra, Police Station - Muffasil, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Pandey, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Anurag Pandey, learned counsel
appearing on behalf of the petitioner and Mrs. Nirmala Kumari,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Muffasil P.S. Case No. 214 of 2020 registered for the offence punishable under Sections 341, 323, 324, 326, 307, 504 and 379/34 of the Indian Penal Code.

3. Allegation against the petitioner and other accused persons is of assaulting the informant by means of *lathi-danda* and *farsa* on his head and snatching gold chain worth Rs. 80,000/- from his neck.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is cousin brother of the



informant and due to some family dispute, they were indulged in fierce fight in which both the parties had assaulted each other. Petitioner may have caused some injury to the informant in his self defence. There is case and counter case between the parties arising out of the same incidence. 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. Considering the nature of allegation made against the petitioner in the FIR as well as the fact that both the parties had assaulted each other. There is case and counter case between the parties arising out of the same incidence. Injury sustained by the informant is not on the vital part of the body. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest 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 Chief Judicial Magistrate, Saran at



Chapra in connection with Muffasil P.S. Case No. 214 of 2020,
subject to the condition as laid down under Section 438(2) of
the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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