

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43063 of 2014

Arising Out of PS.Case No. -235 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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Yamuna Mandal, S/o Late Tarani Mandal, resident of Village- Sahaura,
Present residing in Madraunichowk, P.S.- Rangra O.P., District-Bhagalpur
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Surendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 16-04-2015 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehending his arrest in Gopalpur
(Rangra) P.S.Case No. 235 of 2014 registered under Sections
341,323,353,307 and 504/34 of the Indian Penal Code, seeks
privilege of pre-arrest bail.

Allegedly, the petitioner abused the process server
of Sub-Divisional Court, Naugachia when he went to the house of
the petitioner to serve the copy of notice issued under Section 147
Cr.P.C. and indulged into scuffle and assault and thereafter
chased him with Bhala.

The submission on behalf of the petitioner is of
false implication being in collusion and conspiracy with the
enemy of the petitioner. The petitioner has not committed any

offence and as such he deserves sympathetic consideration to which the learned A.P.P. opposes.

Considering that the petitioner abused and assaulted the process server when he went to discharge his official duty, I do not find it a fit case for grant of privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail of the petitioner stands rejected in connection with Gopalpur (Rangra) P.S. Case No. 235 of 2014 pending in the Court of the Additional Chief Judicial Magistrate, Naugachia, District-Bhagalpur..

However, in case and if so advised, the petitioner surrenders and seeks regular bail, the same shall be considered on its own basis without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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