

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2257 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Sangh Mitra Singh, Wife of Rajiva Ranjan Kumar Singh, Resident of Mitra Mandal Colony, Police Station- Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Patna, Bihar.
2. The Senior Superintendent of Police, Patna.
3. The Officer in Charge, Phulwarisharif Police Station, Patna.
4. Parvej Aalam, Son of Vikku Mallik, Resident of Village- Bijaura, Police Station- Bhagwanganj, District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Adv.

For the Respondent/s : Mr. P.K.Verma, AAG-3.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the parties.

2. This writ application has been preferred against order dated 15.09.2016 passed in Complaint Case No. 1538 (C) of 2016 by the court of Mr. Pravin Kumar Singh, Judicial Magistrate, 1st Class, Patna, whereby the learned Magistrate has ordered for issuance of bailable warrant of arrest against the petitioner.

3. Submission is that just few days before issuance of bailable warrant of arrest report on service of summons was called for by the learned Magistrate which was not received and bailable warrant has been issued. The order



is illegal in view of the judgment of this Court in ***Jayant Dang Vs.State of Bihar reported in 2004 (4) PLJR 25*** wherein it was categorically held that without receipt of report on service of summons issuing further coercive step is not proper.

4. Now the petitioner has knowledge about the case. The petitioner is ready to surrender before the court below within four weeks.

5. In the circumstances, the impugned order is hereby quashed with direction to the petitioner to surrender before the court below on or before 5th of January, 2018 and appearance of the petitioner shall be treated as appearance on summons. It is further ordered that any other coercive step issued subsequent to the order dated 15.09.2016 shall remain in abeyance till 5th of January, 2018.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
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