

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56971 of 2023

Arising Out of PS. Case No.-594 Year-2022 Thana- BAHADURPUR District- Darbhanga

VIKASH KUMAR YADAV, Son of Ramprasad Yadav, R/o vill- Abdullahpur,
P.S. - Bahadurpur, Distt. Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Madhav Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 594 of 2022 registered for the offences punishable under Sections 341, 323, 353, 506 and 308 of the Indian Penal Code.

3. Allegedly while the Process Server of Civil Court, Darbhanga went to the house of the petitioner to serve notice in connection with a case, in the meantime, the petitioner came and started abusing and when protest was made by the informant, he was assaulted with *Hasua*.

4. Learned counsel appearing on behalf of the petitioner submits that in fact on the alleged date of occurrence, the Process Server in lieu of serving the notice made some



illegal demand and when the same was denied, hot exchange of words took place, which resulted into lodging of the present case. It is further submitted that none of the person sustained any injury. That apart, except Sections 353 and 308 of the Indian Penal Code, other offences are bailable. He has further drawn the attention of this Court to the guidelines issued by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. The State of Bihar (2014) 8 SCC 273** and on the strength of the aforesaid guidelines he submits that a person accused of an offence punishable with imprisonment for a term, which is less than seven years, should not be arrested by the Police officer, unless it is necessary in the facts and circumstances of the case.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that none has sustained any injury, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, 1st Class, Darbhanga in connection with Bahadurpur P.S. Case No. 594 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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