

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15282 of 2015

Arising Out of PS.Case No. -130 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Bisod Sah @ Bishodh Sah son of Motilal Sah, resident of village- Telhua,
P.S.- Nautan, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 25-06-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Bisod Sah @ Bishodh Sah, in connection with Nautan P.S. Case No. 130 of 2014 under Sections 272/273 of the Indian Penal Code and Section 47A of the Excise Act, 1915.

Perused the above application, materials available on record including a copy of the order, dated 19.03.2015, passed, in A.B.P. No. 1018 of 2014, by the learned Sessions Judge, Bettiah, West Champaran, rejecting the said application for pre-arrest bail.

Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner, and Mr. Bharat Bhushan, learned Additional

Public Prosecutor, appearing on behalf of the State.

The High Court, while exercising its powers under Section 438 Cr.P.C., stands on the same footing as does a Sessions Judge inasmuch as a High Court and Sessions Judge have coordinate jurisdiction, while exercising power under Section 438 Cr.P.C.

Because of the nature of incriminating materials available against the petitioner, this Court is of the view that in the facts and attending circumstances of the present case, the petitioner has not been able to make out any case calling for giving him benefit of pre-arrest bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected.

(I. A. Ansari, J.)

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