

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9437 of 2015

Arising Out of Roh PS.Case No. -2 of 2014 Thana -ROH District-
NAWADA

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1. Lailesh Prasad Son of Shiv Balak Mahto resident of village - Koiriyadih,
P.S. Tankupa, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanti Devi, D/o Madan Prasad, W/o Lailesh Prasad, resident of village
Marui, P.S. Roh, Dist. Nawada

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 09-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Lailesh Prasad, in connection with Roh
P.S.Case No. 2 of 2014 under Sections 323/341/498(A)/504 of the
Indian Penal Code.

Perused the above application, and materials on record
including a copy of the order, dated 02.02.2015, passed, in A.B.P.
No. 729 of 2014, by the learned Sessions Judge, Nawada, rejecting
the said application for pre-arrest bail.

Heard Mr. Devendra Prasad Singh, learned counsel for the
petitioner, and Mr. Nirmala Kumari, learned APP, appearing for
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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