

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9128 of 2015

Arising Out of PS.Case No. -381 Year- 2014 Thana -MAJORGANJ District- SITAMARHI

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1. Shyam Sah S/o Late Jaldhari Sah Resident of Village Dumari Khurd,
P.S. Majorganj, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

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

3 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, Shyam Sah, in connection with Majorganj P.S. Case No. 381 of 2014 under Sections 341/323/307/504/34 of the Indian Penal Code and Section 3(1)(x) of the SC/ST Act.

Perused the above application, materials available on record including a copy of the order, dated 22.01.2015, passed, in A.B.P. No. 1954 of 2014, by the learned Sessions Judge, Sitamarhi, rejecting the said application for pre-arrest bail.

Heard Mr. Hans Lal Kumar, learned counsel for the petitioner, and Mr. Ambika Bhagat, learned Special 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.

Considering the incriminating nature of materials 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 them 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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