

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9080 of 2015

Arising Out of PS.Case No. -140 Year- 2013 Thana -TARIYANI CHOWK District- SHEOHAR

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1. Kamaluddin S/o Muslim Sah R/o Village- Hiramma, P.S.- Tariyani,
District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate.

For the Opposite Party/s : Mr. Madan Kumar(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, Kamaluddin, in connection with Tariyani P.S. Case No. 140 of 2013 under Sections 354(A)/354(B)/354(C)/376/323/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 10.02.2015, passed, in A.B.P. No. 35 of 2015, by the learned Sessions Judge, Saharsa, rejecting the said application for pre-arrest bail.

Heard Mr. Dinesh Jha, learned counsel for the petitioner, and Mr. Madan Kumar, 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.

Considering 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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