

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12489 of 2015

Arising Out of Balia PS.Case No. -209 Year- 2013 Thana -BALIA District-
BEGUSARAI

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1. Ranjeet Chaudhary @ Ranjeet Kumar S/o Rajendra Chaudhary Resident of Village Janipur, P.S. Balia, District Begusarai, presently and permanently residing at Kanu Tola, Village Khutia, P.O. Khutia, P.S. Mansi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chano Devi W/o Dayanand Chaudhary Resident of Village Jhamta, P.S. Khagaria, District Khagaria presently residing at C/o Ram Anuj Chaudhary (Brother), Village Janipur, P.S. Balia, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Surendra Kr. Singh (App)

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

4 10-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Ranjeet Chaudhary @ Ranjeet Kumar, in connection with Balia P.S.Case No. 209 of 2013 under Sections 363/366A of the Indian Penal Code.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 07.02.2015, passed, in A.B.P. No. 6895 of 2013, by the learned Sessions Judge, Begusarai, rejecting the said application for pre-arrest bail.

Heard Mr. Sanjay Kumar Pandey No.5, learned counsel for the petitioner, and Mr. Surendra Kumar Singh, 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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