

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12324 of 2015**

Arising Out of National High Way Bangra PS.Case No. -121 of 2014  
Thana -NATIONAL HIGHWAY District- SAMASTIPUR

=====

1. Mahendra Paswan Son of Late Sukhdeo Paswan Resident of Village-  
Tilrath, P.S.- Barauni, District- Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Smt. Anuradha Singh

For the Opposite Party/s : Mr. Akbar Ali(App)

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI**

**ORAL ORDER**

3      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, Mahendra Paswan, in connection with National  
  
Highway Bangra P.S.Case No. 121 of 2014 under Sections  
  
420/379/411/34 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 09.02.2015, passed, in A.B.P. No. 50 of 2015, by the learned  
  
Sessions Judge, Samastipur, rejecting the said application for pre-  
  
arrest bail.

Heard Smt.Anuradha Singh, learned counsel for the  
  
petitioner, and Mr. Akbar Ali, 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)**

A.I./-

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