

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25084 of 2015

Arising Out of PS.Case No. -445 Year- 2014 Thana -BARH District- PATNA

=====

1. Pawan Singh son of Krishna Kumar Singh, resident of Village Berhna,
P.S. Barh District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP)

=====

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

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Pawan Singh, in connection with Barh P.S. Case No. 445 of 2014 under Sections 272/273 of the Indian Penal Code and Section 47(A) of the Excise Act, 1944.

Perused the above application, materials available on record including a copy of the order, dated 25.03.2015, passed, in A.B.P. No. 39 of 2015, by the learned Additional Sessions Judge, 1st, Barh, rejecting the said application for pre-arrest bail.

Heard Mr. Manoj Kumar Pandey, learned counsel for the petitioner, and Mr. Kanhaiya Kishore, 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.)

Mkr./-

U		T	
---	--	---	--