

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5517 of 2015

Arising Out of PS.Case No. -103 Year- 2013 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Sanjay Rai S/o Shri Prameshwar Rai @ Parmeshwar Rai R/o Maharani,
P.S. Pipra, District - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate

For the Opposite Party : Mrs. Indu Bala Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 21-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Sanjay Rai, in connection with Pipra Police Station Case No. 103 of 2013 under Sections 341/323/324/307/379/504 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 06.11.2014, passed, in A.B.P. No. 0386 of 2014/1009 of 2014, by the learned Sessions Judge, East Champaran at Motihari, rejecting the said application for pre-arrest bail.

Heard Mr. Patanjali Rishi, learned counsel for the petitioners, and Mrs. Indu Bala Pandey, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under Section 438 Code of Criminal Procedure, 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 Code of Criminal Procedure.

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 her 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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