

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25257 of 2015

Arising Out of PS.Case No. -5 Year- 2011 Thana -SIKANDARA District- JAMUI

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1. Umesh Yadav Son of Kesho Yadav, Resident of village- Sikandra, P.S.-
Sikandra, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. H.A.Khan(APP)

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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, Umesh Yadav, in connection with Sikandra Police Station Case No. 5 of 2011 under Sections 147/148/149/323/384/427/435/440 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Perused the above application, materials available on record including a copy of the order, dated 03.03.2015, passed, in A.B.P. No. 187 of 2015, by the learned Sessions Judge, Jamui, rejecting the said application for pre-arrest bail.

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner, and Mr. H.A. Khan, 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.

It is submitted on behalf of the petitioner that the only incriminating circumstance against him is the confession of the co-accused.

Even if the above submissions were true, the fact remains that as far as investigation of the case is concerned, confession of co-accused is a relevant consideration inasmuch as it may help the investigation to be effectively carried out and determine the guilt and involvement of the assailants.

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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