

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38571 of 2014

Arising Out of PS.Case No. -119 Year- 2014 Thana -UCHAKAGAON District- GOPALGANJ

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Raju Singh @ Raju Kumar Singh, S/o. Baij Nath Singh, R/o. village-
Gulaura, Police Station- Gopalpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. M.Rab(APP)

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

2 16-04-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Raju Singh @ Raju Kumar Singh, in
connection with Uchakagaon P.S. Case No. 119 of 2014 under
Sections 272/273 of the Indian Penal Code and Section 47A of
the Excise Act.

Perused the above application, materials available on
record including a copy of the order, dated 27.08.2014, passed,
in A.B.P. No. 997 of 2014, by the learned Sessions Judge,
Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Lokesh Kumar Singh, learned Counsel for the
petitioner, and Mr. M. Rab, learned Additional Public
Prosecutor, 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.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner and also indicates that custodial interrogation is necessary in order to carry out effective investigation, 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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