

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38567 of 2014

Arising Out of PS.Case No. -63 Year- 2014 Thana -DANDKHORA District- KATIHAR

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Krishna Mohli, S/o Babu Lal Mohli, resident of Village- Kothi Tola, P.S.-
Dandkhora, District-Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. Radhika Kumari, D/o Parmanand Lohra, resident of Village-Kothi Tola,
Chir Kutti, P.O. Hasanganj, P.S. Dandkhara, District-Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party : Mr. Ram Chandra Singh, 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 Krishna Mohli, in connection with Dandkhora Police Station Case No. 63 of 2014 under Section 376/511/323 of the Indian Penal Code and Section 4 of Prevention of Child to Sexual Offences Act.

Perused the above application and materials on record including a copy of the order, dated 25.08.2014, passed, in A.B.P. No. 63 of 2014, by the learned Sessions Judge, Katihar, rejecting the said application for pre-arrest bail.

Heard Mr. Raghvendra Kumar Singh, learned counsel for the petitioner, and Mr. R. C. Singh, 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 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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