

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5812 of 2015

Arising Out of PS.Case No. -254 Year- 2014 Thana -GAYA KOTWALI District- GAYA

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1. Satish Paswan S/o Rajendra Paswan, resident of Mohalla - Pahasi,
Paswan Tola, P.S. Kotwali, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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

4 02-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Satish Paswan, in connection with Kotwali P.S. Case No. 254 of 2014 under Sections 147/148/149/341/323/379/302 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 17.09.2014, passed, in A.B.P. No. 1239 of 2014, by the learned Sessions Judge, Gaya, rejecting the said application for pre-arrest bail.

Heard Mr. Ravindra Kumar Sinha, learned counsel for the petitioner, and Mr. Uday Pratap Singh, 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.)

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