

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39103 of 2014**

Arising Out of PS.Case No. -250 Year- 2014 Thana -BIHARSHARIF District- NALANDA  
(BIHARSHARIFF)

=====

Ajay Kumar S/o Jitendra Prasad r/o village - Nanad, P.S. Silao, District -  
Nalanda

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Anil Chandra, Advocate

For the Opposite Party : Mr. A.L.Pandit, APP

=====

**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, Ajay Kumar, in connection with Bihar Police Station Case No. 250 of 2014 under Sections 419/420 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 19.08.2014, passed, in A.B.P. No. 967 of 2014, by the learned Sessions Judge, Nalanda at Biharsharif, rejecting the said application for pre-arrest bail.

Heard Mr. Anil Chandra, learned Counsel for the petitioners, and Mr. A. L. Pandit, 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 nature of incriminating materials available against the petitioner, this Court does not find that the petitioner has been able to make out any case calling for giving him benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioner that there are already warrants of arrest issued against the petitioner and the petitioner is ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioner, it is made clear that if the petitioner surrender in the Court of competent jurisdiction and if, upon his appearance in the Court of competent jurisdiction, the petitioner apply for regular bail, the learned Court below shall consider and dispose of the same in accordance with law without any unreasonable delay.

With the above observations and directions, this application shall stand disposed of.

**(I. A. Ansari, J)**

Pawan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|