

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39099 of 2014

Arising Out of PS.Case No. -3141 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Kaushal Kumar Singh son of Raj Nandan Singh resident of village - Pojhi,
P.S. Marhaurah, District - Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the Opposite Party : Mr. Anil Kumar, APP

For the Informant : Mr. Satya Prakash, Advocate

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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, Kaushal Kumar Singh, in connection with Complaint Case No. 3141-C of 2013 under Sections 420/467/468 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 22.08.2014, passed, in A.B.P. No. 1484 of 2014, by the learned Sessions Judge, Saran at Chapra, rejecting the said application for pre-arrest bail.

Heard Mr. Arun Kumar, learned counsel for the petitioners, and Mr. Anil Kumar, learned Additional Public Prosecutor, appearing for the State. Heard also Mr. Satya Prakash, learned counsel, appearing for the informant.

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 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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