

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40319 of 2014

Arising Out of PS.Case No. -2689 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Pundeo Sahani @ Antu Sahani, Son of Jokhu Sahani, Resident of Village - Sihorwa, P.O. + P.S. - Raxaul, Distt. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi Wife of Pundeo Sahani @ Antu Sahani, D/o - Indradeo Sahani Resident of Vill. - Sapha, P.O. and P.S. - Sugauli, Distt. - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate.

For the Opposite Party/s : Mr. Md.Sufiyan (APP)

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

2 10-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Pundeo Sahni @ Antu Sahani, in connection with Complaint Case No.2689 of 2012 under Sections 498A/494/327 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 16.08.2014, passed, in A.B.P. No. 496 of 2014/1119 of 2014, by the learned Sessions Judge, East Champaran, Motihari, rejecting the said application for pre-arrest bail.

Heard Mr. Pravin Kumar, learned counsel for the

petitioner, and Md. Sufiyan, 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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