

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39159 of 2014

Arising Out of PS.Case No. -88 Year- 2013 Thana -KHAIRA District- JAMUI

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Shankar Roy son of Saryug Roy resident of village - Dumarajor, P.S.
Khaira, District - Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate
Mr. Krishna Murari Rawat, Advocate
For the Opposite Party : Mr. Suresh Prasad Singh,APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 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, Shankar Roy, in connection with Khaira Police Station Case No. 88 of 2013 under Section 364A read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 27.05.2014, passed, in A.B.P. No. 332 of 2014, by the learned Sessions Judge, Jamui, rejecting the said application for pre-arrest bail.

Heard Mr. Ajit Kumar, learned counsel for the petitioners, and Mr. S. P. 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 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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