

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39006 of 2014

Arising Out of PS.Case No. -75 Year- 2011 Thana -CHAND District- BHABHUA (KAIMUR)

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Devaki Nandan Singh S/o Late Lok Nath Singh Resident of Village Silauta,
P.S. Chand, District Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : None

For the Opposite Party : Mr. Amit Kr. Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 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, Deoki Nandan Singh, in connection with Chand Police Station Case No. 75 of 2011 under Sections 307/504 of the Indian Penal Code and Section 27 of the Arms Act.

Perused the above application and materials on record including a copy of the order, dated 28.08.2014, passed, in B.P. No. 561A of 2014/988 of 2014, by the learned Sessions Judge, Kaimur at Bhabhua, rejecting the said application for pre-arrest bail.

None has appeared on behalf of the petitioner. However, Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor, appearing on behalf of the State, is present.

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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