

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40085 of 2014

Arising Out of PS.Case No. -159 Year- 2012 Thana -BAHADURGANJ District- KISANGANJ

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1. Aiyub Alam S/o Late Fasiruddin, Resident of Vill.- Domahani, P.S. - Bahadurganj, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate.

For the Opposite Party/s : Mr. R.B.Roy Raman(APP)

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

4 14-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Aiyub Alam, in connection with Bahadurganj P.S. Case No. 159 of 2012 under Sections 426/504/506/307 and other minor sections of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 21.08.2014, passed, in A.B.P. (K) No. 289 of 2013, by the learned Additional Sessions Judge, Kishanganj, rejecting the said application for pre-arrest bail.

Heard Mr. Diwakar Sinha, learned counsel for the petitioner, and Mr. R.B.Roy Raman, learned Additional Public Prosecutor, appearing on behalf of 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.

Because of the nature of incriminating materials available against the petitioner, which indicate 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.

Mkr./-

(I. A. Ansari, J.)

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