

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9786 of 2015

Arising Out of PS.Case No. -199 Year- 2013 Thana -PALASI District- ARRARIA

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Mohamad Javeed Aalam S/o Late Yashin resident of village- Kashi Badi
Tola, PO Sohandarhat Vaya Jokihata, PS Palasi, District- Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Kant, Advocate

For the Opposite Party : Mr. M.Rab, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 16-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Mohammad Javeed Aalam, in connection with Palasi Police Station Case No. 199 of 2013 under Sections 471/467/468/420 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.11.2014, passed, in A.B.P. No. 914 of 2013, by the learned Sessions Judge, Araria, rejecting the said application for pre-arrest bail.

Heard Mr. Chandra Kant, learned counsel for the petitioners, and Md. M. Rab, 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 incriminating nature of materials against the petitioner, 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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