

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28613 of 2014**

Arising Out of PS.Case No. -1 Year- 2014 Thana -SALIMPUR District- PATNA

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1. Nandu Rai Son of Kailash Rai Resident of Village - Kala Diara, P.S. -  
Salimpur, Dist. - Patna

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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

3 20-02-2015

This is an application, made under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioner, namely, Nandu Rai, in connection with Salimpur Police Station Case No. 01 of 2014, under Section 414 of the Indian Penal Code and Section 25(1-b)A/26 of the Arms Act.

Perused the above application, materials available in the case diary and materials on record including a copy of the order, dated 15.02.2014, passed, in A.B.P. No. 20392/2014, by the learned Sessions Judge, Patna rejecting the said application for pre-arrest bail.

Heard Mr. Rana Vikram Singh, learned counsel for the petitioner, and Mr. Sanjay Kumar, 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 of the petitioner 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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