

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43498 of 2014

Arising Out of PS.Case No. -38 Year- 2013 Thana -BIRPUR District- SUPAUL

=====

1. Nijamuddin @ Nijam son of Md. Isha resident of village - Maheshpatti,
P.S. Ghurna Bazar, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad (APP)

=====

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, Nijamuddin @ Nijam, in connection with Birpur P.S. Case No. 38 of 2014 under Section 363/365/364A of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 20.06.2014, passed, in A.B.P. No. 175 of 2014 (S), by the learned Sessions Judge, Saharsa, rejecting the said application for pre-arrest bail.

Heard Mr. Pramod Mishra, learned counsel for the petitioner, and Mr. Nawal Kishore Prasad, 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.)

U			
---	--	--	--