

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50858 of 2014

Arising Out of PS.Case No. -315 Year- 2012 Thana -KADWA District- KATIHAR

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Pawan Singh Son of Late Lochan singh Resident of Village - Jaja
mallikpur, P.S - Kadwa, (Balua Belon) District - Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suresh Prasad Sah @ Baranwal, Advocate

For the Opposite Party : Mr. Narsing Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Pawan Singh, in connection with Kadwa (Balua Belon) Police Station Case No. 315 of 2012 under Sections 25(1-b)/26/35 of the Arms Act and Sections 4/5/6 of the NDPS Act.

Perused the above application and materials on record including a copy of the order, dated 06.11.2014, passed, in G. R. No. 4167 of 2012, by the learned Special Judge, Katihar, rejecting the said application for pre-arrest bail.

Heard Mr. Suresh Pd. Sah @ Baranwal, learned counsel for the petitioner, and Mr. Narsing Tanti, 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 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 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)

Pawan/-

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