

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50928 of 2014

Arising Out of Complaint Case No. -2064 Year- 2012, Trial No. 4687 of
2013, Thana –GOPALGANJ, District- GOPALGANJ

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1. Chandan Rai S/O Late Brijnandan Rai, Resident of Village -Shankarpur
P.S-Ashav,District-Siwan

.... Petitioner

Versus

1. The State of Bihar
2. Kayal Devi D/O Dhuvendar Rai, Resident of Village -Shankarpur P.S-
Ashav,District-Siwan

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. Nand Kishor Pd.(App)

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

5 02-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Chandan Rai, in connection with Complaint

Case No. 2064 of 2012 under Section 498A of the Indian Penal

Code.

Perused the above application and materials on record

including a copy of the order, dated 19.11.2014, passed, in

A.B.P. No. 1650 of 2013, by the learned Sessions Judge,

Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Ranjan Kumar Srivastava, learned counsel for

the petitioner, and Mr. Nand Kishor Pd, learned APP, 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 the summon has been issued against the petitioner in connection with Complaint Case No. 2064 of 2012, it is clear that the petitioner cannot be said to have any genuine apprehension of arrest and he could not have, therefore, applied for anticipatory bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected as not maintainable at this stage.

It is made clear that this order of rejection shall not prejudice the jurisdiction of the learned Court below to dispose of application for bail of the petitioner if the petitioner appears, in the learned Court below, in connection with the case aforementioned and applies for bail.

(I. A. Ansari, J)

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