

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50921 of 2014

Arising Out of Complaint Case No. -574 'C' of 2013 Thana -BEGUSARAI COMPLAINT CSAE
District- BEGUSARAI

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1. Ganesh Sah @ Ganesh Saw S/O Bhuttu Sah R/o - Village -Khurd
Chandpura,P.S-Alauli Dist.-Khagaria

.... Petitioner/s

Versus

1. State of Bihar
2. Rubi Devi D/O Late Bijo Sah Resident of Village - Lauchhe- Siswani,
P.s- Bakhari District - Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Dr. Indiwari Kumari(APP)

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

3 07-05-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Ganesh Sah @ Ganesh Saw, in connection with Complaint Case No. 574 'C' of 2013 under Sections 498A/379 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Perused the above application and materials on record including a copy of the order, dated 13.11.2014, passed, in A.B.P. No. 1129 of 2014, by the learned Sessions Judge, Begusarai, rejecting the said application for pre-arrest bail.

Heard Mr. Shubhesh Pandey, learned counsel for the petitioner, and Dr. Indiwari Kumari, 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.

Because of the nature of incriminating materials available 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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