

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40201 of 2014**

Arising Out of Kishanganj PS.Case No. 24 of 2014 Thana -  
KISHANGANJ District- KISANGANJ

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Guddu @ Md. Shahnawaz Akhtar S/o late Akhtar Hussain, r/o mohalla  
Dumaria, P.S. Kishanganj, District Kishanganj

.... .... Petitioner

Versus

1. The State of Bihar
2. The Special P.P. Vigilance Department, Bihar, Patna

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Ms. Sangita Sharma (APP)

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

**ORAL ORDER**

3      10-04-2015              This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Guddu @ Md. Shahnawaz, in connection with Kishanganj P.S.Case No. 24 of 2014, arising out of Special Case No. 04/2014 under Section 420 of the Indian Penal Code as well as under Sections 8, 9 and 10 of the Prevention of Corruption Act, 1988.

Perused the above application and materials on record including a copy of the order, dated 27.08.2014, passed, in Special Case No. 04 of 2014, by the learned Special Judge, Vigilance-II, Patna, rejecting the said application for pre-arrest bail.

Heard Mr. Md. Nurul Hoda, learned counsel for the petitioner, and Ms. Sangita Sharma, 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 Special Judge, Vigilance inasmuch as a High Court and Special 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 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)**

A.I./-

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