

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40262 of 2014

Arising Out of PS.Case No. -90 Year- 2014 Thana -SHIWAPATHI District- MUZAFFARPUR

1. Satrugan Mishra Son of Late Ramdeo Mishra Resident of Village -
Chatursi, Police Station - Siwaipatti, District - Muzaffarpur at present
residing at Chauri Road, Police Station - Bhadohi, District - Bhadohi
(U.P.)

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Arun Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 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, Satrugan Mishra, in connection with
Siwaipatti P.S.Case No. 90 of 2014 under Sections
341/323/498A/504/506/120B/364/420/424/34 of the Indian
Penal Code.

Perused the above application, materials available
on record including a copy of the order, dated 03.09.2014,
passed, in A.B.P. No. 1559 of 2014, by the learned Sessions
Judge, Muzaffarpur, rejecting the said application for pre-arrest
bail.

Heard Mr. Satyendra Narayan Singh, learned
counsel for the petitioner, and Mr. Arun Kumar, 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.

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.)

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