

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46737 of 2015

Arising Out of PS.Case No. -207 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

Prabhu Narain Singh, S/o. late Kailash Singh, R/o. village- Narauni
Parahurampur, P.S. Pipra District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. B.Ram(APP)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 14-10-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Prabhu Narain Singh, in connection with Sahebganj P.S. Case No. 207 of 2014 under Sections 302/307/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 20.08.2015, passed, in A.B.P. No. 1593 of 2015, by the learned Sessions Judge, Muzaffarpur, rejecting the said application for pre-arrest bail.

Heard Mr. Arun Kumar, learned counsel for the petitioner, and Mr. B. Ram, 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.

Because of the nature of incriminating materials available against the petitioner, which indicate 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, ACJ)

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