

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51044 of 2014

Arising Out of Baligaon PS.Case No. -64 of 2014 Thana -BALIGAON
District- VAISHALI(HAJIPUR)

=====

1. Pankaj Thakur S/o Vishnudeo Thakur R/O Village- Akhtyarpur Doghara,
P.S.- Baligaon, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Ramesh Chandra (APP)

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 30-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Pankaj Thakur, in connection with Baligaon P.S.Case No. 64 of 2014 under Sections 323/324/307/386/392/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 17.11.2014, passed, in A.B.P. No. 1901 of 2014, by the learned Sessions Judge, Vaishali at Hajipur, rejecting the said application for pre-arrest bail.

Heard Mr. Sanjay Kumar @ S.K., learned counsel for the petitioner, and Mr. Ramesh Chandra, 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.

Learned counsel for the petitioner submits that the petitioner, along with co-accused persons, namely, Raghwendra Thakur and Madan Sah, filed an application for anticipatory bail before the learned Sessions Judge, Vaishali, at Hajipur, and the learned Sessions Judge, while granting bail to two of the petitioners, has declined to grant bail to the present petitioner and has accordingly, rejected the prayer for anticipatory bail.

The reasons assigned by learned Sessions Judge for rejecting the prayer for bail are as under:

“So far, petitioner no.1 Pankaj Thakur @ Pankaj Kumar is concerned, there is allegation against him that he assaulted the informant/complainant by repeatedly blow of knife and caused injuries on his neck and photo copy of his injury report along with copy of supervision note of S.P., Vaishali, dated 21.8.14 shows that two sharp cut wound was found on the head and neck of the informant as the corresponding injuries as alleged aforesaid and in the supervision note it has been stated that informant/injured stated that he got his treatment in respect of aforesaid injuries by his family doctor Dr.

Y.K.Thakur, Jauhari Bazar, Hajipur who found injury no.1 sharp cut wound on his head and serious in nature. In view of the fact, it seems that this is not fit case for anticipatory bail of this petitioner. Hence, petitioner no.1 Pankaj Thakur @ Pankaj Kumar is directed to surrender and seek regular bail, which shall be disposed of by the learned court below, in accordance with law, without being prejudiced by the instant order of this Court. With this observation the prayer for anticipatory bail of petitioner no.1 Pankaj Thakur @ Pankaj Kumar is hereby disposed of.”

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)

A.I./-

U			
---	--	--	--