

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51064 of 2014

Arising Out of Complaint Case No. -2337 Year- 2012 Thana -KATIHAR
COMPLAINT CASE District- KATIHAR

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1. Rahul Kumar Singh @ Rahul Singh S/o Vishandeo Singh R/o- Mahsaili
P.S - Bausi Basethi, Distt- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanyukta Devi W/o Rahul Singh D/o Srikant Bishwas, at present
Badwabari, P.S-Kadwa, Distt- Katihar

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

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

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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, Rahul Kumar Singh, Rahul Singh, in connection with Complaint Case No. C.A.2337/12 under Sections 498A/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.10.2014, passed, in A.B.P. No. 474 of 2014, by the learned Sessions Judge, Katihar, rejecting the said application for pre-arrest bail.

Heard Mr. Sanjay Kumar Singh, learned counsel for the petitioner, and Mr. Atul 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.

Considering the fact that the summon has been issued against the petitioner in connection with Complaint Case No. C.A.2337 of 2012, it is clear that the petitioner cannot be said to have any apprehension of arrest and he could not have, therefore, applied for anticipatory bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected as not maintainable at this stage.

(I. A. Ansari, J)

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