

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5884 of 2015

Arising Out of Barh PS.Case No. -67 Year- 1997 Thana -BARH District-
PATNA

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1. Ashok Singh S/o Late Ishwar Singh, Resident of Village- Paptasang,
Police Station- Rahui (Bhagwan Bigha), District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr. Asha Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

5 16-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Ashok Singh, in connection with Barh P.S.Case No. 67 of 1997 under Section 365/34 of the Indian Penal Code.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 20.01.2015, passed, in A.B.P. No. 302 of 2014, by the learned Additional Sessions Judge, 1st, Barh, rejecting the said application for pre-arrest bail.

Heard Mr. Ravi Bhardwaj, learned counsel for the petitioner, and Mr. Asha Kumari, 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.

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)

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