

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25249 of 2015

Arising Out of PS.Case No. -302 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Nand Lal Raut Son of Shri Kishun Raut, Resident of village- Fulwaria,
P.S.- Ramgarhwa, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi wife of Nand Lal Raut, Daughter of Shri Chhathu Raut,
Resident of village- Sukhi Semra, P.S.- Palnawa, District- East
Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Tiwari, Advocate.

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 08-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Nand Lal Raut, in connection with Complaint
Case No. C-302 of 2012 under Sections 323/498A of the Indian
Penal Code.

Perused the above application and materials on record
including a copy of the order, dated 17.01.2015, passed, in A.B.P.
No. 1006 of 2014/1821 of 2014, by the learned Sessions Judge,
East Champaran, Motihari, rejecting the said application for pre-
arrest bail.

Heard Mr. Umesh Tiwari, learned Counsel for the
petitioner, and Mr. C. Jawahar, learned Additional Public
Prosecutor, 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 nature of incriminating materials available against the petitioner, this Court does not find that the petitioner has been able to make out any case calling for giving him benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioner that the petitioner is ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioner, it is hereby made clear that if the petitioner surrenders in the Court of competent jurisdiction and if, upon his appearance in the learned Court below, the petitioner applies for regular bail, the learned Court below shall consider and dispose of the same in accordance with law without any unreasonable delay.

With the above observations and directions, this application shall stand disposed of.

(I. A. Ansari, J.)

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