

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37124 of 2014

Arising Out of PS.Case No. -689 Year- 2013 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

Uma Shankar Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate.

For the Opposite Party/s : Mr. R.N. Jha (APP)

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

4 14-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Uma Shankar Rai, in connection with Sasaram (M) P.S. Case No. 689 of 2013 under Sections 420/467/480/376 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 08.07.2014, passed, in A.B.P. No. 2851 of 2013, by the learned Sessions Judge, Rohtas, Sasaram, rejecting the said application for pre-arrest bail.

Heard Mr. Ashutosh Ranjan Pandey, learned counsel for the petitioner, and Mr. R.N. Jha, 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, J.)

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