

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14659 of 2015

Arising Out of Khaira PS.Case No. -162 of 2014 Thana -KHAIRA
District- JAMUI

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1. Lalan Yadav Son of Late Uttim Yadav, resident of village - Koluha, P.S.
Khaira, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Pd. Keshri

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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

4 09-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Lalan Yadav, in connection with Khaira

P.S.Case No. 162 of 2014 under Section 7 of the Essential

Commodities Act.

Perused the above application, materials available in the

case-diary and materials on record including a copy of the order,

dated 23.02.2015, passed, in A.B.P. No. 1316 of 2014, by the

learned Sessions Judge, Jamui, rejecting the said application for

pre-arrest bail.

Heard Mr. Arjun Prasad Keshri, learned counsel for the

petitioner, and Mr. Kalyan Shankar, 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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