

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38897 of 2014

Arising Out of PS.Case No. -137 Year- 2004 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Anandi Sah S/o Late Bulkon Sah Resident of Village Masaurhi Gomgo
Chak, Malkana, P.S. Masaurhi, District Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Suresh Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Anandi Sah, in connection with Rahui Police Station Case No. 137 of 2004 under Sections 498A/304B/201 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 06.12.2013, passed, in A.B.P. No. 1336 of 2013, by the learned Sessions Judge, Nalanda at Biharsharif, rejecting the said application for pre-arrest bail.

Heard Mr. Anil Kumar, learned Counsel for the petitioners, and Mr. S. P. Singh, learned Additional Public Prosecutor, appearing for the State. Heard also learned counsel for the informant.

The High Court, while exercising its powers under Section 438 Code of Criminal Procedure 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 Code of Criminal Procedure.

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 there are already warrants of arrest issued against the petitioner and 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 made clear that if the petitioner surrender in the Court of competent jurisdiction and if, upon his appearance in the Court of competent jurisdiction, the petitioner apply 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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