

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39365 of 2014

Arising Out of PS.Case No. -194 Year- 2013 Thana -BANMANKHI District- PURNIA

=====

Raihan Ahmad @ Md. Raihan Ahmad, S/o Md. Taiyab Ali, resident of
Village-Makhnaha Uttar Tola Ward No.10, Police Station-Banmankhi,
District-Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate

For the Opposite Party : Mr. Anuj Kr.Srivastav, APP

For the Informant : Mr. Amit Kumar Anand, Advocate

=====

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, Raihan Ahmad @ Md. Raihan Ahmad, in

connection with Banmankhi Police Station Case No. 194 of 2013

under Sections 147/148/149/341/323/324/307/504 of the Indian

Penal Code.

Perused the above application and materials on
record including a copy of the order, dated 12.08.2014, passed, in
A.B.P. No. 1045 of 2014, by the learned Sessions Judge, Purnea,
rejecting the said application for pre-arrest bail.

Heard Mr. Viveka Nand Singh, learned counsel for
the petitioners, and Mr. A.K.Srivastava, learned Additional Public
Prosecutor, appearing for the State. Heard also Mr. Amit Kumar

Anand, learned counsel, appearing 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 fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner and also indicates 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 them 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)

Pawan/-

U		T	
---	--	---	--