

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38606 of 2014

Arising Out of PS.Case No. -267 Year- 2013 Thana -GHOSI District- JEHANABAD

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Nagmani Yadav, S/o. Siya Saran Yadav, R/o. Village- Mahamadpur, P.S. Angari, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate.

For the Opposite Party/s : Mr. Parmanand Pd.(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, Nagmani Yadav, in connection with Ghoshi P.S. Case No. 267 of 2013 under Sections 304(B)/201/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 21.08.2014, passed, in A.B.P. No. 99 of 2014, by the learned Sessions Judge, Jehanabad, rejecting the said application for pre-arrest bail.

Heard Mr. Bipin Kumar, learned Counsel for the petitioner, and Mr. Parmanand Prasad, 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 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 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.

Mkr./-

(I. A. Ansari, J.)

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