

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40321 of 2014

Arising Out of PS.Case No. -3 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

Hirday Paswan, son of Late Gulo Paswan, resident of Village-Deodha, P.S.-
Hasanpur, District-Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Advocate

For the Opposite Party : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 10-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Hirday Paswan, in connection with Hasanpur P.S. Case No. 3 of 2014 under Section 341/323/325/307/379/504/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 28.03.2014, passed, in A.B.P. No. 20 of 2014, by the learned Additional Sessions Judge, Rosera, Samstipur, rejecting the said application for pre-arrest bail.

Heard Mr. Krishna Prasad Singh, learned counsel for the petitioner, and Mr. Dinesh Singh, 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.

(I. A. Ansari, J)

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