

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25240 of 2015**

Arising Out of PS.Case No. -33 Year- 2013 Thana -MAHILA PS District- BUXAR

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1. Srikant Yadav S/o Late Naresh Yadav Resident of village - Parsiya,  
P.S. Brahmpur ( Chamki O.P. ), District - Buxar

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Suresh Kumar Singh S/o Late Shiv Muni Singh Resident of village -  
Kharbaniya, P.S. Sikroll, District - Buxar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate.

For the Opposite Party/s : Mr. Anuradha Singh (APP)

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

2      08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Srikant Yadav, in connection with Buxar Mahila P.S. Case No. 33 of 2013 under Sections 498A/504/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Perused the above application, materials available on record including a copy of the order, dated 23.03.2015, passed, in A.B.P. No. 1031 of 2013, by the learned Sessions Judge, Buxar, rejecting the said application for pre-arrest bail.

Heard Mr. Ravindra Kumar sinha, learned counsel for the petitioner, and Mr. Uday Pratap Singh, learned Additional Public Prosecutor, appearing on behalf of 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.

While allowing some others to go on bail, the petitioner's application for pre-arrest bail was rejected by order, dated 23.03.2015, passed, in A.B.P. No.1031 of 2013, on the ground that present petitioner is a person, who has been refusing to let his daughter-in-law live in her matrimonial home since his daughter-in-law has not brought scorpio vehicle.

Considering the incriminating nature of 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 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.)**

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