

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51016 of 2014

Arising Out of Saraiya (Jaitpur OP) PS.Case No. -81 of 2013 Thana -
SARAIYA District- MUZAFFARPUR

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Shambhu Kumar @ Shambhu Paswan, S/o Jagdish Paswan, resident of
village Pokhraiya, P.S. Saraiya, District Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

For the Opposite Party/s : Ms. Indu Kumari Srivastava (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 30-04-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Shambhu Kumar @ Shambhu Paswan, in

connection with Saraiya (Jaitpur O.P.) P.S.Case No. 81/13 under

Sections 498A/323/304B/506/201 of the Indian Penal Code.

Perused the above application and materials available on

record including a copy of the order, dated 21.10.2014, passed, in

A.B.P. No. 1867 of 2014, by the learned Sessions Judge,

Muzaffarpur, rejecting the said application for pre-arrest bail.

Heard Mr. Diwakar Prasad Karn, learned counsel for the

petitioner, and Ms. Indu Kumari Srivastava, learned APP,

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.

Because of the nature of incriminating 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 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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