

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51068 of 2014

Arising Out of Complaint Case No. -153© Year- 2014 Thana -
PATNA COMPLAINT CASE District- PATNA

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1. Subodh Paswan Son of Late Yamuna Paswan Resident of Village -
Mokama Ghat, P.S.- Mokama, Distt-Patna

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Baby devii Wife of Subodh Paswan Resident of Mokama Ghat,
P.S- Mokama, Distt- Patna, at present residing with father, namely, Ram
Deo Paswan at village - Deo Bigha, P.S.- Wena, Distt- Nalanda

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh
For the Opposite Party/s : Mr. Ajay Kr. Jha (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, Subodh Paswan, in connection with Complaint

Case No. 153©/2014 under Section 498A of the Indian Penal

Code.

Perused the above application and materials on record
including a copy of the order, dated 13.10.2014, passed, in A.B.P.
No. 250 of 2014, by the learned Additional Sessions Judge, 1st,
Barh, rejecting the said application for pre-arrest bail.

Heard Mr. Sidhendra Narayan Singh, learned counsel for
the petitioner, and Mr. Ajay Kumar Jha, 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.

Considering the fact that the summon has been issued against the petitioner in connection with Complaint Case No. 153© of 2014, it is clear that the petitioner cannot be said to have any apprehension of arrest and he could not have, therefore, applied for anticipatory bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected as not maintainable at this stage.

(I. A. Ansari, J)

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