

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14898 of 2015

Arising Out of Bishambharpur PS.Case No. -25 of 2014 Thana -
BISHWAMBHARPUR District- GOPALGANJ

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1. Golu Tiwary S/o Ajay Tiwary, R/o Tiwary Matihaniya, P.S. -
Vishwambharpur, District - Gopalganj.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 09-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Golu Tiwary, in connection with Bishambharpur P.S.Case No. 25 of 2014 under Section 302/34 of the Indian Penal Code.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 13.02.2015, passed, in A.B.P. No. 2018 of 2014, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Radha Mohan Pathak, learned counsel for the petitioner, and Mr. Sadanand Paswan, learned Special 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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