

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.169 of 2014

Arising Out of Mokama PS.Case No. -114 Year- 2013 Thana -
MOKAMAH District- PATNA

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1. Abhishek Anand S/O Bhudeo Yadav R/O Vill. - Sardarpur, P.S. - Nath
Nagar, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.2790 of 2014

Arising Out of Mokama PS.Case No. -114 Year- 2013 Thana -
MOKAMAH District- PATNA

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1. Ravish Chandra S/O Brahmdeo Singh Resident Of Village Bageshwari,
Police Station Hawali Kharagpur, District Munger. At the relevant point of
time, the Constable of Mokama Poice Station, Present Under Suspension.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.169 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar

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

(In Cr.Misc. No.2790 of 2014)

For the Petitioner/s : Mr. Rakesh Kumar Sinha

For the Opposite Party/s : Mr. B.N.Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

9 20-03-2015 This is an application, made under Section 438 of the

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

petitioners, namely, Abhishek Anand (Criminal Miscellaneous

No.169 of 2014) and Ravish Chandra (Criminal Miscellaneous



No. 2790 of 2014), in connection with Mokama P.S. Case No. 114 of 2013 under Sections 393/307/353/414/ 34 of the Indian Penal Code as well as under Sections 25(10B)A, 26, 27 and 35 of the Arms Act, 1959, but later on, the case was converted under Sections 302, 201, 120B/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 06.11.2013, passed, in A.B.P. No. 160 of 2013/165 of 2013, by the learned Additional Sessions Judge, 1st, Barh, rejecting both the said applications for pre-arrest bail.

Heard Mr. Mukesh Kumar, learned counsel for the petitioners, and, Mr. B.N. Pandey, the 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 perusal of the materials on record reveals sufficient incriminating materials against the petitioners 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 petitioners have 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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