

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14707 of 2015

Arising Out of PS.Case No. -154 Year- 2014 Thana -BAHADURGANJ District- KISANGANJ

1. Sah Alam Son of Late Ayub, Resident of Village - Doriya, P.S. -
Kochadhaman, District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate.

For the Opposite Party/s : Mr. Prem Kumar Jha(APP)

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

3 25-06-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Sah Alam, in connection with Bahadurganj P.S. Case No. 154 of 2014 under Sections 376/366(A)/323 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 18.02.2015, passed, in A.B.P. No. 226 of 2014, by the learned Additional Sessions Judge, Kishanganj, rejecting the said application for pre-arrest bail.

Heard Mr. Diwakar Sinha, learned counsel for the petitioner, and Mr. Prem Kumar Jha, 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.

Because of the nature of incriminating materials available against the petitioner, which indicate 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 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.

Mkr./-

(I. A. Ansari, J.)

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