

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9155 of 2015

Arising Out of PS.Case No. -280 Year- 2014 Thana -PHULWARI District- PATNA

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1. Mohamad Amir @ Raja Malik S/o Anzarul Haque @ Anzar Mallik,
Resident of Mohalla Lal Miyan Ki Dargah, Near Sangi Masjid, P.S.
Phulwari Sharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Surendra Pd.Singh (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, Mohamad Amir @ Raja Malik, in connection with Phulwari Sharif P.S. Case No. 280 of 2014 under Sections 341/323/307/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Perused the above application, materials available on record including a copy of the order, dated 07.12.2014, passed, in A.B.P. No. 21715 of 2014, by the learned Sessions Judge, Patna, rejecting the said application for pre-arrest bail.

Heard Mr. Arvind Prasad Singh, learned counsel for the petitioner, and Mr. Surendra Prasad Singh, 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.

The allegation against the petitioner is, in substance, that the petitioner had been pressurizing the informant to withdraw the case, lodged against the petitioner, and when the same was not done, the petitioner assaulted by the butt of the country-made pistol to the informant on his hand causing injury.

In the face of incriminating materials available on record against the petitioner showing that the petitioner has been adversely endeavouring to influence investigation of the case and also interfering with effective cause of administration of justice, 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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