

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8171 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -JAKKANPUR District- PATNA

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1. Nilesh Kumar Son of Sri Niwas Singh, Resident of Flat No. 301, Patliputra Garden Apartment, Block - B, Patliputra Colony, P.S. - Patliputra, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate.

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

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

3 19-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Nilesh Kumar, in connection with Jakkanpur P.S. Case No. 180 of 2014 under Section 498(A)/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Perused the above application, materials available on record including a copy of the order, dated 10.02.2015, passed, in A.B.P. No. 20441 of 2014, by the learned Sessions Judge, Patna, rejecting the said application for pre-arrest bail.

Heard Mr. Ramakant Sharma, learned counsel for the petitioner, and Mr. Ashok Kumar, learned Additional Public Prosecutor, appearing on behalf of the State. Heard also Mr. N.K. Agarwal, learned Counsel, 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.

Considering incriminating nature of materials 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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