

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5056 of 2015

Arising Out of PS.Case No. -181 Year- 2014 Thana -BHORE District- GOPALGANJ

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Anil Yadav S/o - Krishna Yadav R/V - Bakhariyan, P.S. - Bhorey District -
Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Mishra, Advocate

For the Opposite Party : Mr. Narsing Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 21-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Anil Yadav, in connection with Bhorey Police Station Case No. 181 of 2014 under Sections 302/120B of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.01.2015, passed, in A.B.P. No. 1817 of 2014/1760 of 2014, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail by assigning cogent reason.

Heard Mr. Ajay Mishra, learned counsel for the petitioners, and Mr. Narsing Tanti, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under

Section 438 Code of Criminal Procedure, 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 Code of Criminal Procedure.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner 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 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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