

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38898 of 2014

Arising Out of PS.Case No. -266 Year- 2012 Thana -DARBHANGA SADAR District-
DARBHANGA

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Anil Kumar Singh S/o Panchdeo Kunwar Resident of Village Tejaul, P.S.
Gaighat, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar through the Economic Offence Unit

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N. K. Agrawal, Senior Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party (EOU):Mr. Rajiv Ranjan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 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 Kumar Singh, in connection with Sadar Police Station Case No. 266 of 2012 under Section 406/409/420/467/468/120B of the Indian Penal Code, Section 7 of the Essential Commodities Act and Section 13(2) of the Prevention of Corruption Act.

Perused the above application and materials on record including a copy of the order, dated 20.02.2014, passed, in A.B.P. No. 52 of 2012, by the learned Special Judge Vigilance (North Bihar), Muzaffarpur, rejecting the said application for pre-arrest bail.

Heard Mr. N. K. Agrawal, learned Senior Counsel

for the petitioner, and Mr. Rajiv Ranjan Prasad, learned Counsel, appearing for the Economic Offences Unit.

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 incriminating nature of materials against the petitioners, 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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