

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39616 of 2014

Arising Out of PS.Case No. -194 Year- 2013 Thana -BANMANKHI District- PURNIA

=====

Md. Tanbir Son of Md. Taiyab Ali Resident of Village - Makhnaha Uttar
Tola, WardNo. 10, Police Station - Banmakhi, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate

For the Opposite Party : Dr. Indihar Kumari, APP

For the Informant : Mr. Amit Kumar Anand, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Md. Tanbir, in connection with Banmankhi Police Station Case No. 194 of 2013 under Sections 147/148/149/341/323/324/307/504 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 03.07.2014, passed, in A.B.P. No. 431 of 2014, by the learned Sessions Judge, Purnea, rejecting the said application for pre-arrest bail.

Heard Mr. Viveka Nand Singh, learned counsel for the petitioners, and Dr. Indihar Kumari, learned Additional Public Prosecutor, appearing for the State. Heard also Mr. Amit Kumar Anand, learned counsel, appearing for the informant.

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 them 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)

Pawan/-

U		T	
---	--	---	--