

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51072 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
SIWAN

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Ratan Lal Chaudhary Son of Late Dewa Chaudhary Resident of Village -
Dudhara, P.S - Goreakothi District Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satyendra Rai, Advocate

For the Opposite Party : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 07-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Ratan Lal Chaudhary, in connection with C III 34 of 2014 under Section 47(a)(f) of Excise Act.

Perused the above application and materials on record including a copy of the order, dated 14.11.2014, passed, in A.B.P. No. 1843 of 2014, by the learned Sessions Judge, Siwan, rejecting the said application for pre-arrest bail.

Heard Mr. Satyendra Rai, learned counsel for the petitioners, and Mr. N. K. Singh, 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 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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