

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14863 of 2015

Arising Out of Kangali PS.Case No. -7 of 2015 Thana -KANGALI
District- WESTCHAMPARAN (BETTIAH)

1. Kailash Patel Son of Maru Patel, Resident of village- Sugaha
Bhawanipur, P.S.- Kangali, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Arun Kumar (App)

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 09-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Kailash Patel, in connection with Kangali P.S.Case No. 7 of 2015 under Section 366A/34 of the Indian Penal Code.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 20.03.2015, passed, in A.B.P. No. 8995 of 2015, by the learned Sessions Judge, (West Champaran) at Bettiah, rejecting the said application for pre-arrest bail.

Heard Mr. Ram Adya Singh, learned counsel for the petitioner, and Mr. Arun Kumar, learned APP, appearing for 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.

Because of the nature of incriminating materials available 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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