

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27973 of 2014

Arising Out of PS.Case No. -34 Year- 2014 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Azad Beg @ Afroz Alam Beg, S/o. Nesar Beg, R/o. Barwa Kala, P.S.
Sathi, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

For the Opposite Party/s : Mr. Atul Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

6 20-02-2015

This is an application, made under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioner, namely, Azad Beg @ Afroz Alam Beg, in connection with Sathi Police Station Case No. 34 of 2014 under Sections 341/323/307/498/307 and read with Section 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 24.06.2014, passed, in A.B.P. No. 343/2014, by the learned Sessions Judge, West Champaran, Bettiah, rejecting the said application for pre-arrest bail.

Heard Mr. Ravindra Kumar, learned counsel for the petitioner, and Mr. Atul Chandra, learned Additional Public Prosecutor, 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.

Considering the fact that perusal of the materials on record including the case-diary reveals sufficient incriminating materials against the petitioner and also indicates that custodial interrogation of the petitioner is necessary 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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