

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40243 of 2014

Arising Out of Bakhtiarpur PS.Case No. -38 of 2013 Thana -
BAKHTIYARPUR District- PATNA

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Kishundeo Rai @ Kishandeo Rai, s/o Narsingh Rai, r/o village Chapara
Dumari, P.S.Patari, District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Ashraf Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 10-04-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Kishundeo Rai @ Kishandeo Rai, in

connection with Bakhtiarpur P.S.Case No. 38/13 under Sections

147/148/149/324/307/379/504 of the Indian Penal Code.

Perused the above application, and materials on record
including a copy of the order, dated 26.05.2014, passed, in A.B.P.
No. 18489 of 2014, by the learned Sessions Judge, Patna, rejecting
the said application for pre-arrest bail.

Heard Mr. Bhola Kumar, learned counsel for the
petitioner, and Mr. Ashraf Ansari, 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.

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 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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