

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58108 of 2015

Arising Out of PS.Case No. -243 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

1. Md. Akram @ Md. Wasim Akram, son of Md. Tauhid, resident of village- Hasanpur Osti, P.S.- Mahua, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shahnawaz Ali, Advocate

For the Opposite Party/s : Mr. M. Dayal(APP)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 16-03-2016

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Md. Akram @ Md. Wasim Akram, in connection with Mahua P.S. Case No. 243 of 2014 under Sections 341/323/363/366(A)/376 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 22.09.2015, passed, in A.B.P. No. 2721 of 2015, by the learned Sessions Judge, Vaishali at Hajipur, rejecting the said application for pre-arrest bail.

Heard Md. Shahnawaz Ali, learned Counsel for the petitioner, and Mr. M. Dayal, learned Additional Public Prosecutor, appearing on behalf of 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 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, ACJ.)

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