

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.894 of 2016

Arising Out of PS.Case No. -98 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

=====

1. Md. Salam Nadaf son of Mustafa Nadaf, resident of Village- Dhanaula
Taralahi, P.S.- Bahadurpur, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Mumtaz son of Late Md. Mokim, resident of Village- Taralahi, P.S.
Bahadurpur, District Darbhanga

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh(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. Salam Nadaf, in connection with Bahadurpur P.S. Case No. 98 of 2014 under Section 366(A)/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 01.10.2015, passed, in A.B.P. No. 1650 of 2015, by the learned Sessions Judge, Darbhanga, rejecting the said application for pre-arrest bail.

Heard Mr. Shambhu Nath Jha, learned Counsel for the petitioner, and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor, appearing on behalf of the State. Heard also learned counsel for the informant.

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, which indicate 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, ACJ.)

Mkr./-

U		T	
---	--	---	--