

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2429 of 2016

Arising Out of PS.Case No. -2337 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Rahul Kumar Singh @ Rahul Singh S/O Vishandev Singh, R/O
Mahshaili, P.S- Bausi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanyukta Devi W/O Rahul Singh, D/O Srikant Bishwas, R/o Village-
Badwari, P.S.- Kadwa, District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

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

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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, Rahul Kumar Singh @ Rahul Singh, in connection with Complaint Case No. 2337 of 2012 under Sections 323/498A/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 09.10.2014, passed, in A.B.P. No. 474 of 2014, by the learned Sessions Judge, Katihar, rejecting the said application for pre-arrest bail.

Heard Mr. Rina Sinha, learned Counsel for the petitioner, and Mr. Madhurilata, 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, however, the fact that warrant of arrest has been issued against the petitioner, this Court does not find that the petitioner has been able to make out any case calling for giving him the benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioner that the petitioner is ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioner, it is hereby made clear that if the petitioner surrenders in the Court of competent jurisdiction and if, upon his appearance in the learned Court below, the petitioner applies for regular bail, the learned Court below shall consider and dispose of the same by making speaking order in accordance with law without any unreasonable delay. It is made clear that unless there is an apprehension that the petitioner would not be available for trial and/or that he would influence the witnesses if he remains at large on bail, the accused shall, ordinarily, be allowed to go on bail pending trial, in a complaint case, which involves commission of offence under Sections 323/493A/34 of the Indian Penal Code,

subject to such condition(s) as may be fixed by the Court.

With the above observations and directions, this application shall stand disposed of.

(I.A. Ansari, ACJ.)

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