

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14039 of 2016

Arising Out of PS.Case No. -2406 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Lal Saheb son of Abdul Kalam, Resident of village- Madhumalti, P.S.-
Sugauli, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Harira Khatoon, Wife of Lal Sah D/o Sk. Mazbul Hoda, Resident of
village Madhumalti, P.S.- Sugauli, District- East Champaran. At present
Village- Jinerva, P.S.- Banjaria, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
Mr. Shreyanshu Kumar, Advocate
Mr. Archit Rajpal, Advocate
For the Opposite Party/s : Mr. Ashraf Ansari(APP)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 29-06-2016 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Lal Saheb, in connection with Complaint Case
No. 2406 of 2013, under Sections 323/498A of the Indian Penal
Code.

Perused the above application and materials on record
including a copy of the order, dated 21.08.2014, passed, in A.B.P.
No. 523 of 2014/1146 of 2014, by the learned Sessions Judge,
East Champaran, Motihari, rejecting the said application for pre-
arrest bail.

Heard Mr. Ansul, learned Counsel for the petitioner,

and Mr. Ashraf Ansari, 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.

Having regard to the nature of the offences of which cognizance have been taken, this Court is of the view that custodial detention of the accused-petitioner is not warranted.

In view of the above and in the interest of justice, it is hereby directed that the petitioner shall, on or before 11.07.2016, appear in the learned trial Court in connection with Complaint Case No.2406 of 2013 and if, on his appearance in the case aforementioned, he applies for regular bail, learned Court-below shall consider and dispose of the same in accordance with law, bearing in mind the fact that in the complaint case, where investigation had been directed, there is no apprehension of the petitioner adversely affecting any investigation.

Until 11.07.2016 or the date of appearance of the accused-petitioner in the learned Court-below, whichever is earlier, the execution of the warrant of arrest shall, if issued, be

kept in abeyance and be recalled if the accused-petitioner appears before the learned Court-below in compliance of the directions given hereinabove.

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

(I.A. Ansari, ACJ.)

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