

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9078 of 2015

Arising Out of Bahera PS.Case No. -100 of 2010 Thana -BAHERA
District- DARBHANGA

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1. Anand Kumar Jha Son of Shri Jeew Nath Jha resident of village -
Chaugama, P.S. Bahera, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 09-07-2015 This is an application, made under Section 438 of the

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

petitioner, namely, Anand Kumar Jha, in connection with Bahera

P.S.Case No. 100/2010 under Sections 406/409/420/462/467/471

of the Indian Penal Code.

Perused the above application, materials available in the

case-diary and materials on record including a copy of the order,

dated 29.01.2015, passed, in A.B.P. No. 06 of 2015/07 of 2015, by

the learned Sessions Judge, Darbhanga, rejecting the said

application for pre-arrest bail.

Heard Mr. Arun Kumar, learned counsel for the petitioner,

and Mr. C.B.Prasad, 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.

Because of the nature of incriminating materials available 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, J)

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