

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5224 of 2015**

Arising Out of PS.Case No. -102 Year- 2014 Thana -RAMGARHWA District-  
EASTCHAMPARAN(MOTIHARI)

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Rajendra Yadav Son of Satya Narayan Yadav Resident of vill-Bairiya,P.S-  
Ramgarhwa,Distt.-East Champaran.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI**

**ORAL ORDER**

5 16-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Rajendra Yadav, in connection with Ramgarhwa Police Station Case No. 102 of 2014 under Sections 302/201/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 29.11.2014, passed, in A.B.P. No. 01307 of 2014/2122 of 2014, by the learned Sessions Judge, East Champaran, at Motihari, rejecting the said application for pre-arrest bail.

Heard Mr. Sunil Kumar No.III, learned counsel for the petitioners, and Mr. Shyam Kumar Singh, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under

Section 438 Code of Criminal Procedure, 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 Code of Criminal Procedure.

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, J)**

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