

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25283 of 2015

Arising Out of PS.Case No. -107 Year- 2013 Thana -ARER District- MADHUBANI

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1. Dilip Thakur son of Late Harishchandra Thakur, Resident of Parjuwar Tola, Jedhiyahi, P.S.- Are, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 08-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Dilip Thakur, in connection with Arer P.S. Case No. 107 of 2013 (TR No.4498 of 2014) under Sections 341/323/452/504/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 12.03.2015, passed, in A.B.P. No. 110 of 2015, by the learned Sessions Judge, Madhubani, rejecting the said application for pre-arrest bail.

Heard Mr. Suman Kumar Jha, learned counsel for the petitioner, and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor, appearing on behalf of 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 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 them 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.

Mkr./-

(I. A. Ansari, J.)

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