

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8165 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Om Prakash Son of Suresh Thakur, Resident of Village - Berai, P.S. -
Hathauri, District - Muzaffarpur, presently residing at near Simra Police
Line, P.S. - Dumra, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Sanjay Kr. Singh(APP)

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

3 19-05-2015

This is an application, made under Section 438 of the
Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Om Prakash, in connection with Dumra P.S.
Case No. 03 of 2015 under Sections 341/354/504/506/34 of the
Indian Penal Code.

Perused the above application, materials available
on record including a copy of the order, dated 07.02.2015,
passed, in A.B.P. No. 80 of 2015, by the learned Sessions Judge,
Sitamarhi, rejecting the said application for pre-arrest bail.

Heard Mr. Pushpendra Kumar Singh, learned
counsel for the petitioner, and Mr. Sanjay Kumar Singh, 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 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.

Mkr./-

(I. A. Ansari, J.)

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