

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8664 of 2015

Arising Out of PS.Case No. -223 Year- 2014 Thana -FORBESGANJ District- ARRARIA

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1. Madan Mohan Prasad @ Madan Mohan Kumar son of late Balmukund
R/o vill- Bishwaspur, P.S- Sahkund , District- Bhagalpur.....

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Ramesh Chandra(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, Madan Mohan Prasad alias Madan Mohan Kumar in connection with Forbesganj Police Station Case No. 223 of 2014 under Sections 419, 420, 406, 409, 467, 468, 471/34 of the Indian Penal Code pending in the court of the learned Chief Judicial Magistrate, Araria.

Perused the above application, materials available on record including a copy of the order, dated 22.12.2014, passed in A.B.P. No. 271 of 2014, by the learned Sessions Judge, Araria, rejecting the said application for pre-arrest bail.

Heard Mr. (Dr.) Bidhu Ranjan, learned Counsel

for the petitioner, and Mr. Ramesh Chandra, learned Additional Public Prosecutor, appearing on behalf of the State.

The High Court, while exercising its powers under Section 438 of the 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 of the 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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