

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25281 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MOHAMMADPUR District- GOPALGANJ

1. Mannu Prasad @ Manu Kumar, son of Sri Jai Govibd Prasad, resident of village- Kushahar, P.S.- Mohammadpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

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, Mannu Prasad @ Manu Kumar, in connection with Mohammadpur P.S. Case No. 25 of 2015 under Sections 147/148/149/307/323/337/353/384/435/436/447/448/504/506 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Perused the above application, materials available on record including a copy of the order, dated 02.05.2015, passed, in A.B.P. No. 655 of 2015, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Ashok Kumar, learned counsel for the petitioner, and Mr. Shailendra Kumar-II, 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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