

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15405 of 2015

Arising Out of PS.Case No. -116 Year- 2014 Thana -SONO District- JAMUI

Nitish Kumar Mandal Son of Raj Kumar Mandal Resident of village -
Sono, P.S. Sono, Distt. - Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party : Mr. Dr. Kr. Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 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, Nitish Kumar Mandal, in connection with Sono Police Station Case No. 116 of 2014 under Sections 366(A) of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 25.02.2015, passed, in A.B.P. No. 103 of 2015, by the learned Sessions Judge, Jamui, rejecting the said application for pre-arrest bail.

Heard Mr. Prabhat Ranjan Singh, learned counsel for the petitioners, and Dr. Kumar Uday Pratap, 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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