

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40284 of 2014

Arising Out of PS.Case No. -33 Year- 2014 Thana -TARAPUR District- MUNGER

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1. Bharat Yadav, Son of Hari Lal Yadav, Resident of Village - Dhobai,
P.S. - Tarapur, Distt. - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh (App)

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

2 10-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Bharat Yadav, in connection with Tarapur P.S. Case No. 33 of 2014 under Sections 504, 307, 302 and other minor sections of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 04.09.2014, passed, in A.B.P. No. 315 of 2014, by the learned Sessions Judge, Munger, rejecting the said application for pre-arrest bail.

Heard Mr. Arvind Kumar Singh, learned counsel for the petitioner, and Mr. Suresh Prasad Singh, learned Additional Public Prosecutor, appearing for 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 the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner and also indicates that custodial interrogation is necessary in order to carry out effective investigation, 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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