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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47407 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -BUDHUCHAK District- BHAGALPUR

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1. Gopi Yadav S/o Bachi Yadav, Resident of Village - Budhuchak, P.S. - Budhuchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Satyendra Pd.(APP)

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

2 14-05-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Gopi Yadav, in connection with Budhuchak P.S. Case No. 20 of 2014 under Sections 354(B)/504/34 of the Indian Penal Code and Section ¾ of the Protection of Children from Sexual Offences Act, 2012.

Perused the above application, materials available on record including a copy of the order, dated 28.10.2014, passed, in A.B.P. No. 2113 of 2014, by the learned Sessions Judge, Bhagalpur, rejecting the said application for pre-arrest bail.

Heard Mr. Pramod Kumar Singh, learned counsel for the petitioner, and Mr. Satyendra Prasad, 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.

(I. A. Ansari, J.)

Mkr./-

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