

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50859 of 2014

Arising Out of PS.Case No. -109 Year- 2013 Thana -MATIHANI District- BEGUSARAI

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1. Mukesh Singh Son of Late Khardari Singh, Resident of Village - Jagatpura, P.S. Matihani, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Bihar State Electricity Board, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate.

For the Opposite Party/s : Mr. R.P.S.Singh(APP)

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

2 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Mukesh Singh, in connection with Matihani P.S. Case No. 109 of 2013 under Section 135 of the Electricity Act, 2003.

Perused the above application, materials available on record including a copy of the order, dated 20.10.2014, passed, in A.B.P. No. 1166 of 2014, by the learned Sessions Judge, Begusarai, rejecting the said application for pre-arrest bail.

Heard Mr. Jai Prakash Singh, learned counsel for the petitioner, and Mr. R.P.S. Singh, 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.

(I. A. Ansari, J.)

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