

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8701 of 2015

Arising Out of PS.Case No. -240 Year- 2009 Thana -SAKRA District- MUZAFFARPUR

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1. Kamlesh Singh Son of Tek Narayan Singh Resident of village - Chakrave Maniyari, P.S. Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate.

For the Opposite Party/s : Mr. Veena Rani Pd.(APP)

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

3 19-05-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Kamlesh Singh, in connection with Sakra Police Station Case No. 240 of 2009 under Section 302/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 27.01.2015, passed, in A.B.P. No. 1829 of 2014, by the learned Sessions Judge, Muzaffarpur, dismissing the said application for pre-arrest bail.

Heard Mr. Anish Kumar, learned Counsel for the petitioner, and Mrs. Veena Rani 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 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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