

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51007 of 2014

Arising Out of Arwal PS.Case No. -175 of 2014 Thana -ARWAL District-
JEHANABAD

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Suraj Kumar, S/o Madan Mohan Prasad, resident of village Umerabad, P.S.
Arwal, District Arwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (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, Suraj Kumar, in connection with Arwal P.S.Case No. 175 of 2014 Under Section 394 of the Indian Penal Code.

Perused the above application and materials available on record including a copy of the order, dated 05.12.2014, passed, in A.B.P. No. 841 of 2014, by the learned Sessions Judge, Jehanabad, rejecting the said application for pre-arrest bail.

Heard Mr. Sunil Kumar, learned counsel for the petitioner, and Mr. Shailendra Kumar No. 2, learned APP, 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.

Because of the nature of incriminating materials available 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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