

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12284 of 2015

Arising Out of PS.Case No. -598 Year- 2014 Thana -KRITYANAND NAGAR District- PURNIA

1. Munna Sah Son of Rajendra Sah, Resident of Village-Gharari, P.S.-K-Nagar, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate.

For the Opposite Party/s : Mr. Gopesh Kmar(App)

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

3 10-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Munna Sah, in connection with K. Nagar P.S. Case No. 598 of 2014 under Sections 302/120B/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 23.02.2015, passed, in A.B.P. No. 1521 of 2014, by the learned Sessions Judge, Purnia, rejecting the said application for pre-arrest bail.

Heard Mr. Arun Kumar Mandal, learned counsel for the petitioner, and Mr. Gopesh Kumar, 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.

Mkr./-

(I. A. Ansari, J)

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