

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51046 of 2014

Arising Out of Complaint Case No. -2934 of 2013 Thana -
MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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1. Mohammad Amin Son of Mohammad Mokin, Resident of village-
Bhagwanpur Dhauncha, P.S.- Bochha, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Indra Kumar 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, Mohammad Amin, in connection with Complaint Case No. 2934 of 2013 under Section 427 of the Indian Penal Code and Section 3 of the Prevention of Witch Practices Act.

Perused the above application and materials available on record including a copy of the order, dated 11.11.2014, passed, in A.B.P. No. 1961 of 2014, by the learned Sessions Judge, Muzaffarpur, rejecting the said application for pre-arrest bail.

Heard Mr. Ravindra Kumar, learned counsel for the petitioner, and Mr. I.P.Singh, 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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