

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36143 of 2014

Arising Out of PS.Case No. -79 Year- 2013 Thana -MEERGANJ District- PURNIA

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Babulal Tuddu S/o Late Rajo Tuddu Resident of Village Sawaiya, P.S. Mirganj, District Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate

For the Opposite Party : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 21-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Babulal Tuddu, in connection with Mirganj Police Station Case No. 79 of 2013 under Sections 364/120B read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 13.06.2014, passed, in A.B.P. No. 1276 of 2013, by the learned Sessions Judge, Purnea, rejecting the said application for pre-arrest bail.

Heard Mr. Mukesh Kumar, learned counsel for the petitioners, and Mr. Madan Kumar, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under Section 438 Code of Criminal Procedure, 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 Code of Criminal Procedure.

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.

(I. A. Ansari, J)

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