

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36564 of 2012

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1. Tuntun Prasad S/O Kedar Singh R/O Village - Mahrath, Police Station
- Kashichak And District - Nawada

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.-2, Advocate.

For the Opposite Party/s : Mr. Satyavrat Verma(App)

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

4 20-02-2015

This is an application, made under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioner, namely, Tuntun Prasad, in connection with Narhat Police Station Case No. 5 of 2012, under Section 409 of the Indian Penal Code.

Perused the above application, materials available in the case diary and materials on record including a copy of the order, dated 05.07.2012, passed, in A.B.P. No. 212/2012, by the learned Sessions Judge, Nawada, rejecting the said application for pre-arrest bail.

Heard Mr. Manish Kumar, learned counsel for the petitioner, and Mr. Satyavrat Verma, learned Additional Public Prosecutor, 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.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner and also indicates that custodial interrogation of the petitioner is necessary in order to carry out effective investigation, 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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