

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37105 of 2015

Arising Out of Kazi Mohammadpur PS.Case No. -345 of 2014
Thana -Kaji Muhammadpur District- Muzaffarpur

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1. Rupesh Kumar, Son of Vinod Dubey, Resident of Mohalla- Dubey Tola,
Near Four Line, Dumari, Bobarsahi, P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sunil Kumar Pandey(App)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

3 16-03-2016 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Rupesh Kumar, in connection with Kazi

Mohammadpur P.S.Case No. 345 of 2014 under Sections

363/366A/34 of the Indian Penal Code.

Perused the above application, and the materials on record

including a copy of the order, dated 03.02.2015, passed, in A.B.P.

No. 2229 of 2014, by the learned Sessions Judge, Muzaffarpur,

rejecting the said application for pre-arrest bail.

Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner, and Mr. Sunil Kumar Pandey, 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.

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, ACJ)

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