

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12294 of 2015

Arising Out of Panapur PS.Case No. -61 Year- 2014 Thana -PANAPUR
District- SARAN

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1. Surendra Bhagat Son of Late Sheo Sagar Bhagat
2. Pramod Bhagat, Son of Surendra Bhagat
3. Kanti Devi Wife of Surendra Bhagat
All Residents of Village-Jipura, P.S.-Panapur, District-Saran (Chapra)

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

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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 petitioners, namely, Surendra Bhagat, Pramod Bhagat and Kanti Devi, in connection with Panapur P.S.Case No. 61 of 2014 under Section 304(B)/34 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 20.02.2015, passed, in A.B.P. No. 1394 of 2014, by the learned Additional Sessions Judge III, Saran, rejecting the said application for pre-arrest bail.

Heard Mr. Kapil Deo Singh, learned counsel for the petitioners, and Mr. Surendra Pd. 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 petitioners, this Court is of the view that in the facts and attending circumstances of the present case, the petitioners have not been able to make out any case calling for giving them 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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