

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8231 of 2015

Arising Out of Pauthu PS.Case No. -47 Year- 2014 Thana -PAUTHU
District- AURANGABAD

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1. Saroj Yadav S/o Somar Yadav
2. Mukesh Mahto alias Mukesh Kumar S/o Bineshar Mahto,
Both Resident of Village Kharauna Buzurg, P.S. Pauthu, District
Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Uday Pratap Singh(APP)

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

3 21-05-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioners, namely, Saroj Yadav and Mukesh Mahto @ Mukesh
Kumar in connection with Pauthu P.S.Case No. 47 of 2014 under
Sectionss 302/201/34 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 06.02.2015, passed, in A.B.P. No. 1192 of 2014 by the
learned Sessions Judge, Aurangabad, rejecting the said application
for pre-arrest bail.

Heard Mr. B.P.Singh, learned counsel for the petitioners,
and Mr. U.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 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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