

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5078 of 2015

Arising Out of Wazirganj PS.Case No. -404 of 2013 Thana -WAJIRGANJ
District- GAYA

- =====
1. Prabhu Yadav Son of Bhurwa Yadav
 2. Pratap Yadav Son of Ram Pravesh Yadav,
Both residents of Village - Lakhauwa,
Police Station - Wazirganj, District - Gaya.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. B.Ram (App)

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

4 25-06-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Prabhu Yadav and Pratap Yadav, in connection with Wazirganj P.S.Case No. 404 of 2013 under Section 365 of the Indian Penal.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 07.01.2015, passed, in A.B.P. No. 1921 of 2014, by the learned Sessions Judge, Gaya, rejecting the said application for pre-arrest bail.

Heard Mr. Syed Asgher Najmi, learned counsel for the petitioners, and Mr. B.Ram, 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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