

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50832 of 2014

Arising Out of PS.Case No. -528 Year- 2013 Thana -GOPALGANJ CITY District- GOPALGANJ

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Panchdeo Singh S/o Late Bindeshwari Pandit Resident of Village Bhalua
Koal, P.S. Kharagpur, District Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Yogendra Prasad Sinha, Advocate

For the Opposite Party : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Panchdeo Singh, in connection with Gopalganj Police Station Case No. 528 of 2013 under Sections 147/148//323/307/504/379 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 26.11.2014, passed, in A.B.P. No. 1668 of 2014, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail, and the injury report, placed at Annexure-7.

Heard Mr. Y. P. Sinha, learned counsel for the petitioners, and Mr. Manoj Kumar, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under

Section 438 Code of Criminal Procedure, 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 Code of Criminal Procedure.

Considering the fact that the injury was on the front of the neck of alleged victim and the record reveals sufficient incriminating materials 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, J)

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