

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38504 of 2014

Arising Out of PS.Case No. -123 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

- =====
1. Munna Pandey @ Bindeshwari Sharan Pandey Son of Hridya Pandey
 2. Dinesh Pandey Son of Byas Pandey Both resident of Village - Bhami Tola, P.S. - Kuchaikote, Distt. - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radhe Shyam Kumar, Advocate.

For the Opposite Party/s : Mr. Ajeet Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 16-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Punna Pandey @ Bindeshwari and dinesh Pandey, in connection with Kuchaikote P.S. Case No. 123 of 2014 under Sections 304B/201/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 30.08.2014, passed, in A.B.P. No. 955 of 2014/893 of 2014, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Radhe Shyam Kumar, learned Counsel for the petitioners, and Mr. Ajeet Kumar, learned Additional Public Prosecutor, appearing for the State. Heard also learned counsel for the informant.

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.

Considering the nature of incriminating materials available against the petitioners, this Court does not find that the petitioners have been able to make out any case calling for giving them benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioners that there are already warrants of arrest issued against the petitioners and the petitioners are ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioners, it is made clear that if the petitioners surrender in the Court of competent jurisdiction and if, upon their appearance in the Court of competent jurisdiction, the petitioners apply for regular bail, the learned Court below shall consider and dispose of the same in accordance with law without any unreasonable delay.

With the above observations and directions, this application shall stand disposed of.

(I. A. Ansari, J.)

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