

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15813 of 2015

Arising Out of Kahalgaon PS.Case No. -486 Year- 2013 Thana -
KAHALGAON District- BHAGALPUR

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1. Sarpanch Yogendra Das @ Yogendra Das Son of Bhagirath Das of
Village- Sikandrapur, P.S.- Kahalgaon, District- Bhagalpur
2. Kaushal Kumar @ Kaushal Yadav Son of Bishwambhar Yadav of
Village Salempur Shrisy, P.S. Kahalgaon, District- Bhagalpur

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sakir Ahmad (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, Sarpanch Yogendra Das @ Yogendra Das and

Kaushal Kumar @ Kaushal Yadav, in connection with Kahalgaon

P.S.Case No. 486 of 2013 under Sections 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 24.02.2015, passed, in A.B.P. No. 282 of 2015, by the

learned Sessions Judge, Bhagalpur, rejecting the said application

for pre-arrest bail.

Heard Mr. Shiwesh Chandra Mishra, learned counsel for

the petitioners, and Mr. Sakir Ahmad, 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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