

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50929 of 2014

Arising Out of Jehanabad (Korauna O.P.) PS.Case No. -313 of 2014 Thana
-JAHANABAD District- JEHANABAD

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1. Pinku Sharma Son of Dayali Sharma
2. Pawan Kumar Son of Raj Kishore Sharma, Resident of Village - Bhitia,
P.S.- Jehanabad, (Korauna O.P.) in the District of Jehanabad

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. M.Rab(APP)

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

2 30-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Pinku Sharma and Pawan Kumar, in connection with Jehanabad (Korauna O.P.) P.S.Case No. 313 of 2014 under Sections 307/34 of the Indian Penal Code.

Perused the above application and materials available on record including a copy of the order, dated 25.11.2014, passed, in A.B.P. No. 736 of 2014, by the learned Sessions Judge, Jehanabad, rejecting the said application for pre-arrest bail.

Heard Mr. Sunil Kujmar, learned counsel for the petitioners, and Mr. M. Rab, 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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