

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51005 of 2014

Arising Out of Panapur PS.Case No. -48 of 2014 Thana -PANAPUR
District- SARAN

- =====
1. Awadhesh Singh Son of Late Yogendra Singh
 2. Sanjeet Kumar
 3. Pramod Kumar, Both sons of Surendra Singh, All residents of Village - Chakiya, P.S. - Panapur, District - Saran

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. D.P.Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

6 02-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Awadhesh Singh, Sanjeet Kumar and Pramod Kumar, in connection with Panapur P.S.Case No. 48 of 2014 under Sections 147/148/149/448/326/307/323/379/427/302 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 18.11.2014, passed, in A.B.P. No. 1196 of 2014 (4464/2014), by the learned Sessions Judge, Saran at Chapra, rejecting the said application for pre-arrest bail.

Heard Mr. Awadhesh Singh, learned counsel for the petitioners, and Mr. Damodar Prasad Tiwary, 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, namely, petitioner No.1, Awadhesh Singh and petitioner No.2, Sanjeet Kumar, this Court is of the view that in the facts and attending circumstances of the present case, these 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 petitioner No.1 and petitioner No.2 is hereby rejected.

So far as the petitioner No.3, Pramod Kumar is concerned, perusal of the record does not reveal any such incriminating materials against him, which would warrant his custodial detention and interrogation, this Court is of the view that the petitioner has been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the

interest of justice, it is hereby directed that the petitioner No.3, shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties of the like amount, subject to the satisfaction of the Officer-in-Charge, Panapur Police Station, Saran. This direction for bail is further subject to the condition that the petitioner No.3 shall, within two weeks from today, appear before the Officer-in-Charge, Panapur Police Station, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Panapur Police Station, District Saran.

Send also a copy of this order, forthwith, to the Superintendent of Police, Saran at Chapra, by fax.

(I. A. Ansari, J)

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