

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14940 of 2015

Arising Out of PS.Case No. -341 Year- 2014 Thana -SONEPUR District- SARAN

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1. Ram Jiwan Mahto @ Ramji Mahto Son of Late Ramashwar Mahto,
2. Dasai Mahto, Son of Ramjee Mahto, Residents of Village Ramsapur
Police Station - Sonapur, District - Saran (Accused).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Najmul Hoda, Advocate

For the Opposite Party : Mr. D.P.Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 25-06-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Ram Jiwan Mahto @ Ramji Mahto and Dasai Mahto, in connection with Sonpur Police Station Case No. 341 of 2014 under Sections 341/323/307/324/379 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

Perused the above application and materials on record including a copy of the order, dated 19.02.2015, passed, in A.B.P. No. 2515 of 2014, by the learned Sessions Judge, Saran at Chapra, rejecting the said application for pre-arrest bail.

Heard Mr. Najmul Hoda, learned counsel for the petitioners, and D. P. Tiwary, 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 incriminating nature of materials 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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