

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46129 of 2014

Arising Out of PS.Case No. -152 Year- 2013 Thana -POTHIYA District- KISANGANJ

1. Mustakim,
2. Mahboob,
Both Sons of Late Ibrahim, resident of village- Rasia Dangi, P.S.-
Paharkatta, District- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Advocate.

For the Opposite Party/s : Mr. Sadanand Paswan (App)

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

2 23-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Mustakim and Mahboob, in connection with Pothia (Paharkatta) P.S. Case No. 152 of 2013 under Sections 302/201/34 of the Indian Penal Code and Section 3(2)(v)(vi) of the SC/ST Act.

Perused the above application, materials available on record including a copy of the order, dated 22.09.2014, passed, in A.B.P. No. 402 of 2013, by the learned Sessions Judge, Kishanganj, rejecting the said application for pre-arrest bail.

Heard Mr. Firoz Ahmad, learned counsel for the petitioners, and Mr. Sadanand Paswan, learned Additional Public Prosecutor, appearing on behalf of 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.

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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