

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12970 of 2013

Arising Out of PS.Case No. -305 Year- 2012 Thana -BHORE District- -

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Smt. Asha Devi, W/o. Arbind Chaubey, resident of village- Mathauli, P.S. Bhore, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate.

For the Opposite Party/s : Mr. Md.Sufiyan(App)

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

6 20-02-2015 This is an application, made under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioner, namely, Asha Devi, in connection with Bhore Police Station Case No. 305 of 2012 under Section 409 read with Section 34 of the Indian Penal Code and Section 7 of the Essential Commodities Act, 1955.

Perused the above application, case-diary and materials on record including a copy of the order, dated 27.02.2013, passed, in A.B.P. No. 193/2013, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Y.V. Giri, learned Senior counsel for the petitioner, and Md. Sufiyan, learned Additional Public Prosecutor, 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 the jurisdiction, while exercising power under Section 438 Cr.P.C.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner and also indicates that custodial interrogation is necessary in order to carry out effective investigation, this Court is of the view that the petitioner has not been able to make out any case calling for giving him 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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