

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9803 of 2015

Arising Out of PS.Case No. -177 Year- 2014 Thana -KOILWAR District- BHOJPUR

1. Sri Jai Sri Lal Thakur, son of Shree Shiv Raj Thakur, resident of Village-Dhamaniya, P.S.- Gharhani, District- Bhojpur
2. Krishan Mohan Singh, son of Shayamta Singh, resident of village-Pipaniya, P.S.- Udwant Nagar, District- Bhojpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Madan Jeet Kumar, Advocate

For the Opposite Party : Mr. Amit Kr.Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 16-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Sri Jai Sri Lal Thakur and Krishan Mohan Singh, in connection with Koilwar Police Station Case No. 177 of 2014 under Sections 409/406/420/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 05.02.2015, passed, in A.B.P. No. 1863 of 2014, by the learned Sessions Judge, Bhojpur, at Ara, rejecting the said application for pre-arrest bail.

Heard Mr. Madanjeet Kumar, learned counsel for the petitioners, and Mr. Amit Kumar Rakesh, 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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