

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8377 of 2015

Arising Out of PS.Case No. -80 Year- 2013 Thana -KHODAWANPUR District- BEGUSARAI

1. Rajiya Khatoon Wife of Md. Najir
2. Md. Najir Son of Late Bilat Mian Both resident of village - Pansalla,
P.S. Khodawanpur, District - Begusarai

.... Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioners : Mr. Md. Musowir, Advocate
For the Opposite Party : Mr. A.L.Pandit, 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, Rajiya Khatoon and Md. Najir, in connection with Khodawandpur Police Station Case No. 80 of 2013 under Sections 304-B/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 02.02.2015, passed, in A.B.P. No. 418 of 2014, by the learned Sessions Judge, Begusarai, rejecting the said application for pre-arrest bail.

Heard Mr. Md. Musowir, learned counsel for the petitioners, and Mr. A. L. Pandit, 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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