

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8634 of 2015

Arising Out of Rajauli PS.Case No. -230 of 2014 Thana -RAJAULI
District- NAWADA

Umesh Kumar @ Umesh Prasad, S/o late Nageshwar Garai, resident of
village Uttarnama, P.O. Uttarnama, P.S. Rahui, District Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.9122 of 2015

Arising Out of Rajauli PS.Case No. -230 Year- 2014 Thana -RAJAULI
District- NAWADA

1. Manju Devi @ Shrimati Manju Devi, wife of Shankar Lal, Resident of
Village- Amawan, P.S.- Rajauli, District- Nawada

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.8634 of 2015)

For the Petitioner/s : Mr. Indradeo Prasad

For the Opposite Party/s : Mr. Harendra Pd.(APP)

(In Cr.Misc. No.9122 of 2015)

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Anuradha Singh (APP)

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 09-07-2015 Both these applications are made, under Section 438 of

the Code of Criminal Procedure, seeking pre-arrest bail by the

petitioners, namely, Umesh Kumar alias Umesh Prasad

(Cr.Misc.No. 8634 of 2015) and Manju Devi @ Shrimati Manju

Devi (Cr.Misc.No. 9122 of 2015), in connection with Rajauli

P.S.Case No. 230 of 2014 under Sections 409/467/468/471/120(B) of the Indian Penal Code.

Perused the above applications, materials available in the case-diary and materials on record including a copy of the order, dated 18.02.2015, passed, in A.B.P.No. 106 of 2015 and A.B.P. No. 99 of 2015, by the learned Sessions Judge, Nawada, rejecting the said applications for pre-arrest bail.

Heard Mr. Indradeo Prasad, learned counsel for the petitioner, and Mr. Harendra Prasad, learned Additional Public Prosecutor, appearing for the State in Cr.Misc. No. 8634 of 2015. Also heard Mr. Sheo Kumar Prasad, learned counsel for the petitioner, and Mrs. Anuradha Singh, learned Additional Public Prosecutor, appearing for the State in Cr.Misc.No.9122 of 2015.

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.

Both these petitioners along with one Government servant are alleged to have misappropriated the allocated fund of the sanctioned scheme of the Central Government by fabricating and forging documents without completing the work.

From perusal of the case diary, it is revealed that a number of witnesses have alleged that the work, in question, had not been done.

Coupled with the above, no payment could have been made without clearance from the Junior Engineer and also without clearance from the Mukhiya.

In view of the above and considering the nature of incriminating materials available against the petitioners, this Court is of the view that 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)

A.I./-

U			
---	--	--	--