

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8222 of 2015

Arising Out of PS.Case No. -205 Year- 2014 Thana -MAJHAHGARH District- GOPALGANJ

- =====
1. Bhola Manjhi son of Nagendra Manjhi,
 2. Dhramnath Manjhi son of Mahanth Manjhi,
 3. Sunita Devi W/o Nagendra Manjhi,
 4. Sangita Devi W/o Sanjay Manjhi All R/o Village- Dhanaw, P.S.-
Barhariya, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi D/o Suresh Manjhi, R/o village- Awahartiya, P.S.-
Manjhagarh, Distt.- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha, Advocate.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava(APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 19-05-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Bhola Manjhi, Dhramnath Manjhi, Sunita Devi, Sangita Devi, in connection with Manjhagarh P.S. Case No. 205 of 2014 under Sections 498A/406/354-B/379 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Perused the above application, materials available on record including a copy of the order, dated 02.02.2015, passed, in A.B.P. No. 1985 of 2014, by the learned Sessions Judge, Gopalganj, rejecting the said application for pre-arrest bail.

Heard Mr. Yogendra Prasad Sinha, learned counsel

for the petitioners, and Mr. Anuj Kumar Srivastava, 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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