

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5404 of 2015

Arising Out of Hayaghat PS.Case No. -41 of 2014 Thana -HAYAGHAT
District- DARBHANGA

- =====
1. Amiri Khatoon W/O Md.Allauddin
 2. Md.Raja S/O Md.Allaudin, Both are Resident of vill-Naya Tola, P.S- Hayaghat, Distt.-Darbhanga

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.14770 of 2015

Arising Out of Hayaghat PS.Case No. -41 of 2014 Thana -HAYAGHAT
District- DARBHANGA

- =====
1. Lal Mohammad son of Md. Safir Nadaf, resident of village- Naya Tola, P.S.- Hayaghat and District- Darbhanga

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.5404 of 2015)

For the Petitioner/s : Mr. Md. Kamran

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

(In Cr.Misc. No.14770 of 2015)

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

6 25-06-2015 Both the applications, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Amiri Khatoon and Md. Raja in Cr.Misc. No.5404 of 2015 and Lal Mohammad in Cr.Misc. No.14770 of

2015, in connection with Hayaghat P.S.Case No. 41 of 2014 under Sections 302/34 of the Indian Penal Code.

Perused the above applications, materials available in the case-diary and materials on record including copies of the orders, dated 21.11.2014 and 17.03.2015, passed, in A.B.P. No. 1358 of 2014 and A.B.P.No. 1766 of 2014, by the learned Sessions Judge, Darbhanga and 1st Additional Sessions Judge, Darbhanga, respectively rejecting the said applications for pre-arrest bail.

Heard Mr. Md. Kamran, learned counsel for the petitioners, and Mr. Kanhaiya Kishore, learned APP for the State, in Cr.Misc.No.5404 of 2015. Also heard Mr. Girish Chandra Jha, learned counsel for the petitioner and Mr. Ramesh Chandra, learned APP for the State in Cr.Misc.No.14770 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.

Because of the nature of incriminating materials available 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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