

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38579 of 2014

Arising Out of PS.Case No. -1710 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Raju Rana, son of Tarni Rana, resident of Village-Korane, P.S. Chandramandih, District Jamui.
 2. Ganesh Yadav, son of Talo Yadav, resident of Village-Chandramandih Gangta, P.S. Chandramandih, District Jamui.
 3. Shyam Sundar Yadav, son of Harkhu Yadav, resident of Village-Korane, P.S. Chandramandih, District Jamui.
 4. Binod Yadav, son of Maju Yadav, resident of Village- Chandramandih Gangta, P.S. Chandramandih, District Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Raju Rana, Ganesh Yadav, Shyam Sundar Yadav and Binod Yadav, in connection with Complaint Case No. 1710(C) of 2012 under Section 376(G) of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 16.08.2014, passed, in A.B.P. No. 619 of 2014, by the learned Sessions Judge, Jamui, rejecting the said application for pre-arrest bail.

Heard Mr. S. P. Parasar, learned counsel for the petitioners, and Mr. Bharat Lal, 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 the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioners and also indicates that custodial interrogation is necessary in order to carry out effective investigation, 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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