

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39217 of 2014

Arising Out of PS.Case No. -64 Year- 2013 Thana -BANGAON District- SAHARSA

- =====
1. Chandradeo Paswan @ Chanardeo Paswan son of Late Hriday Paswan
 2. Mritunjay Paswan son of Dukhharan Paswan
 3. Pramod Paswan son of Late Hriday Paswan
 4. Manju Devi wife of Sri Dukhharan Paswan
 5. Gunjan Devi wife of Mritunjay Paswan
 6. Ruby Devi wife of Pramod Paswan
 7. Dukhharan Paswan s/o Late Jokhri Paswan

All are resident of village - Dholi, P.S. - Bangaon, District - Supaul.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Mishra, Advocate

For the Opposite Party : Mr. Anil Kumar, 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 petitioners, namely, Chandradeo Paswan @ Chanardeo Paswan, Mritunjay Paswan, Pramod Paswan, Manju Devi, Gunjan Devi, Ruby Devi and Dukhharan Paswan, in connection with Bangaon Police Station Case No. 64 of 2013 under Sections 341/323/147/504 of the Indian Penal Code and Section 3/4 of the Prevention of Dian Practices (Witch Craft) Act.

Perused the above application and materials on record including a copy of the order, dated 21.08.2014, passed, in A.B.P. No. 6586 of 2014, by the learned Sessions Judge, Saharsa, rejecting the said application for pre-arrest bail.

Heard Mr. Pramod Mishra, learned counsel for the petitioners, and Mr. Anil Kumar, 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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