

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39105 of 2014

Arising Out of PS.Case No. -10 Year- 2011 Thana -MAJORGANJ District- SITAMARHI

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1. Sanju Jha @ Sonu Jha @ Mangal Kant Jha
2. Ganju Jha @ Chandrakant Jha @ Chandramohan Jha
Both are sons of Jay Kishore Jha village Kochar, P.S. Kanholi,
District - Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party : Mr. Harendra Prasad, 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, Sanju Jha @ Sonu Jha @ Mangal Kant Jha and Ganju Jha @ Chandrakant Jha @ Chandramohan Jha, in connection with Majorganj Police Station Case No. 10 of 2011 under Sections 302/201 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 20.05.2014, passed, in A.B.P. No. 432 of 2014, by the learned Sessions Judge, Sitamarhi, rejecting the said application for pre-arrest bail.

Heard Mr. R. K. N. Singh, learned counsel for the petitioners, and Mr. Harendra Prasad, 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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