

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39477 of 2014

Arising Out of PS.Case No. -424 Year- 2013 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Rajoo Paswan S/o Dina Nath Paswan
2. Dina Nath Paswan S/o Dhodha Paswan
3. Lalita Devi W/o Dina Nath Paswan
All R/o Village Subh Chhath Pokhar, P.S. - Hajipur Sadar, District-
Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party : Mr. Hirday Pd.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 07-05-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Rajoo Paswan, Dina Nath Paswan and Lalita Devi, in connection with Hajipur Sadar Police Station Case No. 424 of 2013 under Section 304(B)/498A read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 16.05.2014, passed, in A.B.P. No. 335 of 2014, by the learned Sessions Judge, Vaishali at Hajipur, rejecting the said application for pre-arrest bail.

Heard Mr. M. C. Gandhi, learned counsel for the petitioners, and Mr. H. P. Singh, 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 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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