

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38616 of 2014

Arising Out of PS.Case No. -2127 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

- =====
1. Ramakant Tiwary, S/o Late Amar Nath Tiwary, resident of Village-Chaubey Tola Mahmada, P.S.-Mehsi, District-East Champaran
 2. Bhagya Narayan Bhagat, S/o Late Mahadeo Bhagat, resident of Village-Konihiya, P.O.-Basghat, P.S. Chakia, District-East Champaran.

.... Petitioners

Versus

1. The State of Bihar
2. Benga Rai, S/o Late Lohri Ram, resident of Village-Rajpur Bara, P.S. Mehsi, District-East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party No.1: Mr. T.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 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, Ramakant Tiwary and Bhagya Narayan Bhagat, in connection with Complaint Case No. C-2127 of 2012 under Sections 420/468/120(B) of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 25.08.2014, passed, in A.B.P. No. 0716 of 2014/1382 of 2014, by the learned Sessions Judge, East Champaran at Motihari, rejecting the said application for pre-arrest bail.

Heard Mr. V. K. Shrivastava, learned counsel for the petitioners, and Mr. T. N. Thakur, 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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