

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39280 of 2014

Arising Out of PS.Case No. -1912 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Jagdish Rai
 2. Raghu Rai
 3. Raghubir Rai
 4. Tinku Rai alias Tinku Kumar
All sons of Uday Shankar Rai
 5. Uday Shankar Rai alias Uday Roy, son of Late Siyaram Rai
All resident of Village-Chandauli Kharaj, Police Station-Waris
Nagar, District-Samastipur.

.... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Subhash Chandra Bose, Advocate
For the Opposite Party : Mr. Vinod Shankar Modi, 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, Jagdish Rai, Raghu Rai, Raghubir Rai, Tinku Rai alias Tinku Kumar and Uday Shankar Rai alias Uday Roy, in connection with Complaint Case No. 1912 of 2013 under Sections 323/324/380/354/504 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 17.01.2014, passed, in A.B.P. No. 1744 of 2013, by the learned Sessions Judge, Samastipur, rejecting the said application for pre-arrest bail.

Heard Mr. S. C. Bose, learned Counsel for the

petitioners, and Mr. V. S. Modi, 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 nature of incriminating materials available against the petitioners, this Court does not find that the petitioners have been able to make out any case calling for giving them benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioners that there are already warrants of arrest issued against the petitioners and the petitioners are ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioners, it is made clear that if the petitioners surrender in the Court of competent jurisdiction and if, upon their appearance in the Court of competent jurisdiction, the petitioners apply for regular bail, the learned Court below shall consider and dispose of the same in accordance with law without any unreasonable

delay.

With the above observations and directions, this application shall stand disposed of.

(I. A. Ansari, J)

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