

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39321 of 2014

Arising Out of PS.Case No. -83 Year- 2013 Thana -DHARHARA District- MUNGER

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Sita Devi, W/o Vinay Paswan, resident of Village-Panchrukhi, Police
Station-Dharhara, District-Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shivendra Kumar Sinha, Advocate

For the Opposite Party : Mr. Anish Chandra, 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, Sita Devi, in connection with Dharhara Police Station Case No. 83 of 2013 under Section 7 of the Essential Commodities Act.

Perused the above application and materials on record including a copy of the order, dated 22.11.2013, passed, in A.B.P. No. 396 of 2013, by the learned Sessions Judge, Munger, rejecting the said application for pre-arrest bail.

Heard Mr. S. K. Sinha, learned counsel for the petitioners, and Mr. A. Chandra, 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 petitioner 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 petitioner has 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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