

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40324 of 2014**

Arising Out of PS.Case No. -5 Year- 2014 Thana -ALIPUR District- GAYA

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1. Lal Muni Devi, W/o. Rameshwar Yadav,  
2. Muni Devi @ Munni Devi,  
3. Devendra Yadav, S/o. late Rameshwar Yadav,  
All resident of village- Daulatpur, Police Station- Alipur, District- Gaya.  
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar (APP)

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI**  
**ORAL ORDER**

2      10-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Lal Muni Devi, Muni Devi @ Munni Devi and Devendra Yadav, in connection with Alipur P.S. Case No. 5 of 2014 under Sections 302/120B/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 14.08.2014, passed, in A.B.P. No. 765 of 2014, by the learned Sessions Judge, Gaya, rejecting the said application for pre-arrest bail.

Heard Mr. Sunil Kumar Yadav, learned counsel for the petitioners, and Mr. Ashok Kumar, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under Section 438 Cr.P.C., 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 Cr.P.C.

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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