

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38838 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

- =====
1. Param Hansh Rai son of Late Ramgati Rai
 2. Raghubansh Rai son of Lae Ramgati Rai
 3. Harendra Rai son of Param Hansh Rai
 4. Raj Kumar Rai son of Ayodhya Rai
 5. Bidya Rai @ Bindyanand Rai son of Gajadhar Rai
 6. Suresh Rai @ Ram Suresh Rai son of Dukhit Rai
 7. .Mithilesh Rai son of Bishun Rai
 8. Jitendra Rai son of Param Hansh Rai

All resident of Village- Narayan Bariyarpur,P.S.-Desari, District-
Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate

For the Opposite Party : Dr. Indihar Kumari, APP

=====

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 petitioners, namely, Param Hansh Rai, Raghubansh Rai, Harendra Rai, Raj Kumar Rai, Bidya Rai @ Bindyanand Rai, Suresh Rai @ Ram Suresh Rai, Mithilesh Rai and Jitendra Rai, in connection with Desari Police Station Case No. 104 of 2014 under Sections 447/341/323/325/307/379 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 22.08.2014, passed, in A.B.P. No. 1060 of 2014 and 1304 of 2014, by the learned

Sessions Judge, Vaishali at Hajipur, rejecting the said application for pre-arrest bail.

Heard Mr. Mukesh Kumar, learned Counsel for the petitioners, and Dr. Indihar Kumari, 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)

Pawan/-

U		T	
---	--	---	--