

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45948 of 2014**

Arising Out of PS.Case No. -112 Year- 2013 Thana -SARAI RANJAN District- SAMASTIPUR

1. Md. Jamshed @ Jafi son of Late Md. Ishaque

2. Md. Tahir son of Md. Hafiz

Both residents of Village - Harsinghpur, Police Station - Sarai  
Ranjan, District - Samastipur.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioners : Mr. Rana Sanjay Kumar Singh, Advocate

For the Opposite Party : Mr. Kr. Ranjit Ranjan, APP

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

**ORAL ORDER**

2      23-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Md. Jamshed @ Jafi and Md. Tahir, in connection with Sarai Ranjan Police Station Case No. 112 of 2013 under Section 147/448/341/323/307/380/427/504/376/511 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 23.08.2014, passed, in A.B.P. No. 3074 of 2014, by the learned Sessions Judge, Samastipur, rejecting the said application for pre-arrest bail.

Heard Mr. Rana Sanjay Kumar Singh, learned counsel for the petitioners, and Mr. Kr. Ranjit Ranjan, 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 incriminating nature of materials against the petitioners, 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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