

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42934 of 2014

Arising Out of PS.Case No. -237 Year- 2014 Thana -MAJORGANJ District- SITAMARHI

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1. Dasai Sahni Chaitu Sahni Village-Bariyarpur, P.S.- Majorganj, District-Sitamarhi.
 2. Rijhan Sahni Late Faguni Sahni. Village-Bariyarpur, P.S.- Majorganj, District- Sitamarhi.
 3. Mantu Sahni Late Jagdeo Sahni Village-Bariyarpur, P.S.- Majorganj, District- Sitamarhi.
 4. Jairam Rai Late Ramswaroop Rai Village-Bariyarpur, P.S.- Majorganj, District- Sitamarhi.
 5. Dinesh Mandal Dharkhan Mandal Village-Bariyarpur, P.S.- Majorganj, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dinesh Jha, Advocate

For the Opposite Party : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

6 14-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Dasai Sahni, Rijhan Sahni, Mantu Sahni, Jairam Rai and Dinesh Mandal, in connection with Majorganj P.S. Case No. 237 of 2014 under Sections 302/201 read with Section 120(B) of the Indian Penal Code.

Perused the above application and materials on record including the order, dated 20.03.2015, passed in Cr. Misc. No. 42934 of 2014 as well as copy of the order, dated 16.09.2014, passed, in A.B.P. No. 1304 of 2014, by the learned Sessions Judge, Sitamarhi, rejecting the said application for pre-arrest bail, which shows that though the case aforementioned has

been registered under Section 302/201 read with Section 120(B) of the Indian Penal Code, the allegations, against the present petitioners, are to the effect that the petitioners had helped in disposal of the dead body in order to screen the offenders and thereby committed an offence punishable under Section 201 of the Indian Penal Code, which is bailable.

Heard Mr. Dinesh Jha, learned Counsel for the petitioners, and Mrs. Gulnar Begum, learned Additional Public Prosecutor, appearing for the State.

In view of the fact that Section 201 of the Indian Penal Code is a bailable offence, while the powers, under Section 438 Code of Criminal Procedure, cannot be exercised to grant to the petitioners pre-arrest bail, the petitioners are hereby given the liberty to appear in the Court of competent jurisdiction and if, upon their appearance in the learned Court below, 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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