

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8478 of 2015

Arising Out of PS.Case No. -191 Year- 2014 Thana -PUPRI District- SITAMARHI

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Sudha Devi @ Sudha Kumari, W/o. Chandra Mohan Chaudhary, R/o.
Village- Meghpur, P.S. Sursand, District- Sitamarhi, presently residing at
village- Barri Behta, P.S. Pupri, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(APP)

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

4 02-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Sudha Devi @ Sudha Kumari, in connection with Pupri P.S. Case No. 191 of 2014 under Section 302/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 06.02.2015, passed, in A.B.P. No. 83 of 2015, by the learned Sessions Judge, Sitamarhi, rejecting the said application for pre-arrest bail.

Heard Mr. Jitendra Narain Sinha, learned Senior Counsel, appearing on behalf of the petitioner, and Mr. Anuj Kumar Srivastava, learned Additional Public Prosecutor, appearing on behalf of 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 incriminating nature of materials against the petitioner, 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 him 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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