

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1495 of 2015

Arising Out of Gaighat PS.Case No. -159 Year- 2014 Thana -GAIGHAT
District- MUZAFFARPUR

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1. Indu Devi Wife of Parmanand Rai, Resident of village - Boaridih Tole
Munni, P.S- Gaighat, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Md.Nazir Ansari(APP)

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

3 14-05-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Indu Devi, in connection with Gaighat

P.S.Case No. 159 of 2014 under Sections 328/302/120(B) of the

Indian Penal Code.

Perused the above application, materials available in the

case-diary and materials on record including a copy of the order,

dated 09.10.2014, passed, in A.B.P. No. 1768 of 2014 by the

learned Sessions Judge, Muzaffarpur, rejecting the said application

for pre-arrest bail.

Heard Mr. Hari Kishore Thakur, learned counsel for the

petitioner, and Mr. Md. Nazir Ansari, learned APP, 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.

Because of the nature of incriminating materials available 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 her 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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