

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28650 of 2014

Arising Out of PS.Case No. -94 Year- 2013 Thana -PIRPAINTI District- BHAGALPUR

- =====
1. Sanjay Paswan S/o Late Bokhi Paswan @ Boki Paswan,
 2. Umesh Paswan S/o Late Bokhi Paswan @ Boki Paswan,
- Both are resident of village - Ram Nagar, P.S. - Pirpainty, District – Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

WITH
Criminal Miscellaneous No.4232 of 2015

Arising Out of PS.Case No. -94 Year- 2013 Thana -PIRPAINTI District- BHAGALPUR

- =====
1. Dineshwar Paswan @ Dinesh Paswan S/O Late Bitu Paswan Resident of vill-Ramnagar,P.S-Pirpainty,Distt.-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.28650 of 2014)

For the Petitioner/s : Mr. Janki Nandan Prasad, Advocate.

For the Opposite Party/s : Mr. Md. Sufiyan(App)

(In Cr.Misc. No.4232 of 2015)

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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

3 20-02-2015

This is an application, made under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioners, above named, in connection with Pirpainty Police Station Case No. 94 of 2013 under Sections 147/148/448/323/307/379/302 of the Indian Penal Code.

Perused the above application, materials available in the case diary and materials on record including a copy of the orders, dated 17.05.2014 and 07.11.2014, passed, in A.B.P. Nos. 989 and 2121 of 2014, by the learned Sessions Judge, Bhagalpur, rejecting the said application for pre-arrest bail.

Heard Mr. Janki Nandan Prasad, learned counsel, for the petitioners in Cr. Misc. No. 28650 of 2014, and Mr. Manoj Kumar Jha, learned counsel, for the petitioner in Cr. Misc. No.4232 of 2015. Heard also Md. Sufiyan and Mr. Rana Randhir Singh, learned Additional Public Prosecutor, 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.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioners and also indicates that custodial interrogation is necessary in order to carry out effective investigation, this Court is of the view that in the facts and attending circumstances of the present case, the petitioners 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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