

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12873 of 2015

Arising Out of Rautara PS.Case No. -66 of 2014 Thana -RAUTARA
District- KATIHAR

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1. Hibu Rishi
2. Prasadi Rishi Both sons of Budhu Rishi, Resident of village- Sadalpur
Mushari Tola, P.s. Rautara, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir
For the Opposite Party/s : Mr. Pronati Singh (APP)

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

2 30-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Hibu Rishi and Prasadi Rishi, in connection with Rautara P.S.Case No. 66 of 2014 under Sections 302/34 of the Indian Penal Code.

Perused the above application and materials available on record including a copy of the order, dated 05.12.2014, passed, in A.B.P. No. 1117 of 2014, by the learned Sessions Judge, Katihar, rejecting the said application for pre-arrest bail.

Heard Mr. Md. Musowir, learned counsel for the petitioners, and Mr. Pronati Singh, 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 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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