

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8931 of 2015

Arising Out of PS.Case No. -277 Year- 2014 Thana -WAJIRGANJ District- GAYA

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1. Rita Devi wife of Late Manoj Chaudhary resident of village - Tipao Bigha, P.S. Wazirganj, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. M.K.Khare(App)

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

3 19-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Rita Devi in connection with Wazirganj Police Station Case No. 277 of 2014 under Section 302 of the Indian Penal Code pending in the court of the learned Chief Judicial Magistrate, Gaya.

Perused the above application, materials available on record including a copy of the order, dated 08.01.2015, passed in A.B.P. No. 2402 of 2014, by the learned Sessions Judge, Gaya, rejecting the said application for pre-arrest bail.

Heard Mr. Ashok Kumar Mishra, learned Counsel for the petitioner, and Mr. M.K. Khare, learned

Additional Public Prosecutor, appearing on behalf of the State.

The High Court, while exercising its powers under Section 438 of the Code of Criminal Procedure, 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 of the Code of Criminal Procedure.

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 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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