

+IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5241 of 2015

Arising Out of Tariyani PS.Case No. -189 Year- 2014 Thana -TARIYANI
CHOWK District- SHEOHAR

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1. Laxmi Rai @ Lakshmi Rai Son of Jugat Rai @ Jugut Rai, Residents of
vill-Tariyani Chapra,P.S-Tariyani,Distt.-Sheohar

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.6222 of 2015

Arising Out of Tariyani PS.Case No. -189 Year- 2014 Thana -TARIYANI
CHOWK District- SHEOHAR

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1. Baijnath Rai @ Baidhnath Rai Son of Mahendra Rai, Resident of village
Tariyani Chapra, P.S. Tariyani, District - Sheohar

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.13482 of 2015

Arising Out of Tariyani PS.Case No. -189 Year- 2014 Thana -TARIYANI
CHOWK District- SHEOHAR

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1. Nawad Rai S/o Late Sirjeet Rai
2. Harendra Rai S/o Nawad Rai
3. Sikindra Rai S/o Nawad Rai All are residents of Village - Tariyani
Chapra, P.S. - Tariyani, Dist. - Sheohar.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.5241 of 2015)

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary (APP)

(In Cr.Misc. No.6222 of 2015)

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar(APP)

(In Cr.Misc. No.13482 of 2015)

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Shantanu Kumar (APP)

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

3 21-05-2015 All the three applications, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Laxmi Rai @ Lakshmi Rai (Cr.Misc.No. 5241 of 2015), Baijnath Rai @ Baidhnath Rai (Cr. Misc.No. 6222 of 2015) and Nawad Rai, Harendra Rai and Sikindra Rai (Cr. Misc.No. 13482 of 2015) in connection with Tariyani Police Station Case No. 189 of 2014 under Sections 302/120(B)/34 of the Indian Penal Code.

Perused the above applications, materials available in the case diary and materials on record including a copy of the order, dated, 05.01.2015, passed, in A.B.P. No.330/2014, 309/2014, 2330/2014 and the order, dated, 27.02.2015, passed in A.B.P.No. 40/2015, by the learned Sessions Judge, Sheohar rejeecting the said applications for pre-arrest bail.

Heard Mr. Pramod Kumar Singh, learned counsel for the petitioners, and Mr. Amitesh Kumar, 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.

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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