

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51466 of 2013

Arising Azamnagar Out of PS.Case No. -86 Year- 2011 Thana -
AJAMNAGAR District- KATIHAR

- =====
1. Sk. Amiruddin S/O Late Nejam Resident Of Village- Molupura, P.S. Harischandrapur, District- Malda (W.B.)
 2. Sk. Mukhtar S/O Sk. Siraj R/O Village- Joker, P.S.- Azamnagar, District- Katihar
 3. Sk. Sharif Son Of Sk. Malir Resident Of Village- Joker, P.S. Azamnagar, District- Katihar

.... Petitioners

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. Manoj Kumar-I(APP)

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

7 20-03-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Sk. Amiruddin, Sk. Mukhtar and Sk. Sharif, in connection with Azamnagar P.S.Case No. 86 of 2011 under Sections 341/323/324/307/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 15.11.2013/16.11.2013 passed, in A.B.P. No. 799 of 2013, by the learned Sessions Judge, Katihar, rejecting the said application for pre-arrest bail. Perused also the case diary.

Heard Mr. Md. Musowir, learned counsel for the

petitioners, and Mr. Manoj Kumar No.1, 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.

Considering the fact that perusal of the record including the case diary reveals sufficient incriminating materials against the petitioners and also indicates that their 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 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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