

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38565 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -MAJORGANJ District- SITAMARHI

- =====
1. Vaskit Sah, S/o Late Jamindar Sah
 2. Kishori Sah
 3. Dashrath Sah
 - Both sons of Late Jamindar Sah
 4. Govind Sah, S/o Late Dasai Sah
 5. Pramod Sah, S/o Dashrath Sah
 6. Anil Kumar @ Anil Sah, S/o Vaskit Sah
 7. Sujeet Kumar, S/o Mahesh Sah
 8. Lalan Sah, S/o Kishori Sah

All are resident of Village-Mohani Mandal, P.S.-Majorganj,
District-Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Virendra Kumar, Advocate
For the Opposite Party : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Vaskit Sah, Kishori Sah, Dashrath Sah, Govind Sah, Pramod Sah, Anil Kumar @ Anil Sah, Sujeet Kumar and Lalan Sah, in connection with Majorganj P.S. Case No. 110 of 2014 under Sections 147/148/149/341/323/324/325/354/307/504/306 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 21.08.2014, passed, in A.B.P. No. 862 of 2014, by the learned Sessions Judge,

Sitamarhi, rejecting the said application for pre-arrest bail.

Heard Mr. Virendra Kumar, learned Counsel for the petitioners, and Mr. Nityanand, learned Additional Public Prosecutor, appearing for the State.

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

Considering the nature of incriminating materials available against the petitioners, this Court does not find that the petitioners have been able to make out any case calling for giving them benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioners that there are already warrants of arrest issued against the petitioners and the petitioners are ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioners, it is made clear that if the petitioners surrender in the Court of competent jurisdiction and if, upon their appearance in the Court of competent jurisdiction, the petitioners apply for

regular bail, the learned Court below shall consider and dispose of the same in accordance with law without any unreasonable delay.

With the above observations and directions, this application shall stand disposed of.

(I. A. Ansari, J)

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