

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25964 of 2014

Arising Out of Jainagar PS.Case No. -257 Year- 2012 Thana -JAYNAGAR
District- MADHUBANI

- =====
1. Pintoo Mahto S/o Suraj Mahto, R/o village Jaynagar Durga Asthan, P.S. Jaynagar, Dist. Madhubani
 2. Suresh Mahto @ Suresh Sah, S/o Laxmi Mahto, R/o Jainagar Kamla Road, Ward No.6, P.S. Jainagar, district Madhubani

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Anil Kumar(App)

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

9 10-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Pintoo Mahto and Suresh Mahto @ Suresh Sah, in connection with Jainagar P.S.Case No. 257 of 2012 under Sections 420/414/34 of the Indian Penal Code.

Perused the above application, materials available in the case-diary and materials on record including a copy of the order, dated 24.04.2014, passed, in A.B.P. No. 491 of 2013, by the learned Sessions Judge, Madhubani, rejecting the said application for pre-arrest bail.

Heard Mr. Soban Asghar, learned counsel for the petitioner, and Mr. Anil Kumar, 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 him 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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