

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14781 of 2015

Arising Out of Sajour/Shahkund PS.Case No. -176 of 2014 Thana -
SAJOUR District- BHAGALPUR

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1. Gaynee Devi wife of Rudal Mandal, Resident of village- Kulharia, P.S.-
Amarpur, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 09-07-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the

petitioner, namely, Gaynee Devi, in connection with Sajour
(Shahkund) P.S.Case No. 176 of 2014 under Sections
304B/201/34 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 05.01.2015, passed, in A.B.P. No. 15 of 2015, by the learned
Sessions Judge, Patna, rejecting the said application for pre-arrest
bail.

Heard Mr. Subhash Kumar Jha, learned counsel for the
petitioner, and Mr. Rajiv Nayan, 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 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 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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