

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14832 of 2015

Arising Out of PS.Case No. -147 Year- 2014 Thana -PALASI District- ARRARIA

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Raj Kumari Devi Wife of Arun Kumar Yadav, resident of Gangjhali, P.S.
Palasi, Distt. Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party : Mr. Navin Kr.Panday, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

4 25-06-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Raj Kumari Devi, in connection with Palasi Police Station Case No. 147 of 2014 under Sections 406/409/420 read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 03.02.2015, passed, in A.B.P. No. 54 of 2014, by the learned Sessions Judge, Araria, rejecting the said application for pre-arrest bail.

Heard Mr. Ajit Kumar Singh, learned counsel for the petitioners, and Navin Kumar Pandey, 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.

The matter reveals that there is no dispute that the petitioner, who is a Secretary of the concerned School Education Committee, hold a joint account with the Headmaster of the said school and had withdrawn from the bank account a sum of Rs. 12,04,100/-, they had not started the construction work and because only later on construction of the school was started and in order to escape, when the same was detected, an F.I.R. lodged alleging that some money had been paid in advance to the shop-keeper, who was asking for more time so as to make a case.

Considering incriminating nature of materials 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 her 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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