

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8439 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -PALI District- JEHANABAD

Minta Devi Wife of Raj Kumar Yadav, resident of village - Tetaria, P.S. Pali, District - Jahanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

WITH

Criminal Miscellaneous No.11526 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -PALI District- JEHANABAD

- 1. Pramod Malakar Son of Ram Anugrah Malakar, Resident of Village-Tetrahiya, Police Station and District-Jehanabad
- 2. Devendra Mistry Son of Late Sidheshwar Mistry, Resident of Village-Pakaura P.S.-Kadir Ganj, Dist.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.8439 of 2015)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate.

For the Opposite Party/s : Mr. A.Haque Sahara(APP)

(In Cr.Misc. No.11526 of 2015)

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate.

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.APP)

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 19-05-2015 Both these applications, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Minta Devi, Pramod Malakar and Devendra Mistry in connection with Pali Police Station Case No. 50 of 2014 under Sections 364/302/34 of the Indian Penal Code.

Perused the above applications, materials available

on record including a copy of the orders, dated 31.01.2015 and 28.01.2015, passed, in A.B.P. Nos. 1 of 2015 and 989 of 2014 respectively, by the learned Sessions Judge, Jehanabad, rejecting the said application for pre-arrest bail.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor, appearing on behalf of 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 incriminating nature of materials 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 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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