

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40254 of 2014

Arising Out of PS.Case No. -66 Year- 2014 Thana -SHANKARPUR District- MADHEPURA

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1. Roushan Yadav @ Roushan Kr. Yadav
 2. Amlesh Yadav @ Amlesh Kr. Yadav
 3. Chhotu Kumar Yadav All sons of Shushil Yadav Resident of Village - Mouzma
 4. Lalu Yadav Son of Deep Narayan Yadav Resident of Village - Jirwa, All of P.S. - Shankarpur, District - Madhepura

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Nath Mishra, Advocate.

For the Opposite Party/s : Mr. Narendra Kr. Singh(APP)

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

2 10-04-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Roushan Yadav @ Roushan Kumar Yadav, Amlesh Yadav @ Amlesh Kumar Yadav, Chhotu Kumar Yadav and Lalu Yadav, in connection with Shankarpur P.S. Case No. 66 of 2004 under Sections 341/323/307/427/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 21.08.2014, passed, in A.B.P. No. 425 of 2014, by the learned Sessions Judge, Madhepura, rejecting the said application for pre-arrest bail.

Heard Mr. Birendra Nath Mishra, learned counsel for the

petitioners, and Mr. Narendra Kumar Singh, 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.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioners and also indicates that custodial interrogation is necessary in order to carry out effective investigation, 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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