

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8714 of 2015

Arising Out of Patepur PS.Case No. -102 of 2014 Thana -PATEPUR
District- VAISHALI(HAJIPUR)

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1. Punit Paswan son of Deo Raj Paswan
2. Phuli Devi wife of Punit Paswan
Residents of village- Chandpur Phatha, P.S. Patepur, District Vaishali

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. H.A. Khan (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 petitioners, namely, Punit Paswan and Phuli Devi, in connection with Patepur P.S.Case No. 102 of 2014 under Section 304B/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 19.01.2015, passed, in A.B.P. No. 195 of 2015, by the learned Sessions Judge, Vaishali at Hajipur, rejecting the said application for pre-arrest bail.

Heard Mr. Mukesh Kumar, learned counsel for the petitioners, and Mr. H.A.Khan, 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 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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