

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12323 of 2015

Arising Out of Rosera PS.Case No. -183 Year- 2014 Thana -ROSERA
District- SAMASTIPUR

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1. Rani Devi Wife of Umesh Mahto
2. Umesh Mahto Son of Late Bindeshwari Mahto
3. Sonu Mahto Son of Umesh Mahto
All are Resident of Village/Mohalla- Rosera Girls School, Gudari Bazar,
P.S.- Rosera, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Parmanand Kumar (App)

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

3 10-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Rani Devi, Umesh Mahto and Sonu Mahto, in connection with Rosera P.S.Case No. 183 of 2014 under Sections 384/386/387/307 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 14.01.2015, passed, in A.B.P.(R) No. 59 of 2014, by the learned Additional Sessions Judge, Rosera, rejecting the said application for pre-arrest bail.

Heard Mr. Krishna Chandra, learned counsel for the petitioners, and Mr. Parmanand Kumar, 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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