

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9193 of 2015

Arising Out of PS.Case No. -176 Year- 2014 Thana -KOTWALI District- MUNGER

1. Arun Kumar Son of Sri Laxmi Mandal,
2. Amol Kumar Son of Sri Arun Kumar,
3. Anuradha Devi Wife of Sri Rajesh Kumar, Resident of Mohalla - Bari
Bazar Munger, P.S. - Kotwali, District - Munger. At present Village - Naya
Gaon, Badi Para, Jamalpur, P.s. - East Colony, Jamalpur, District - Munger.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ambika Bhagat, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

5 16-07-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Arun Kumar, Amol Kumar and Anuradha Devi, in connection with Kotwali Police Station Case No. 176 of 2014 under Sections 341/323/324/328/307/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 12.02.2015, passed, in A.B.P. No. 818 of 2014, by the learned Sessions Judge, Munger, rejecting the said application for pre-arrest bail.

Heard Mr. Ambika Bhagat, learned counsel for the petitioners, and Mr. Sanjay Kumar Tiwari, 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.

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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