

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40329 of 2014

Arising Out of PS.Case No. -48 Year- 2014 Thana -PIPRA District- SUPAUL

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1. Md. Jalaluddin @ Lattu @ Jajal @ Md.Jalal, S/o. late Muslim Mian,
2. Najmun Khatoon @ Shaida Khatoon, W/o. late Muslim Mian.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Opposite Party/s : Mr. M.Haque(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 petitioner, namely, Md. Jalaluddin @ Lattu @ Jajal @ Md. Jalal and Najmun Khatoon @ Shaida Khatoon, in connection with Pipra P.S. Case No. 48 of 2014 under Section 304B/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 19.08.2014, passed, in A.B.P. No. 271 of 2014, by the learned Sessions Judge, Saharsa, rejecting the said application for pre-arrest bail.

Heard Mr. Pramod Mishra, learned counsel for the petitioners, and Mr. M. Haque, learned Additional Public Prosecutor, 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 petitioner has 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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