

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40390 of 2014

Arising Out of PS.Case No. -59 Year- 2014 Thana -BAUSI District- PURNIA

=====

1. Rubena, Wife of Molvi Sajjad
2. Bahadur, son of Late Nazam
Both resident of Village-Kadwa, P.S.-Baisi, District-Purnea
..... Petitioners

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioners : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Mr. Nand Kishore Prasad, APP

=====

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, Rubena and Bahadur, in connection with Baisi P.S. Case No. 59 of 2014, under Section 341/323/324/379/307/34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 04.09.2014, passed, in A.B.P. No. 461 of 2014, by the learned Sessions Judge, Purnea, rejecting the said application for pre-arrest bail.

Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners, and Mr. Nand Kishore Prasad, 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 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, the prayer for pre-arrest bail is hereby rejected.

It is, however, submitted by Mr. Ram Prawesh Kumar, learned counsel for the petitioners, that petitioner No.1, namely, Rubena, is a lady and she is willing to surrender in the learned Court below.

Considering the matter in its entirety and in the interest of justice, if the petitioners surrender in the court below and make an application for regular bail, the learned Court below, on the same day, after hearing the parties, shall consider the application and dispose of the same, in accordance with law.

With the above observations and directions, this application shall stand disposed of.

(I. A. Ansari, J)

Pawan/-

U		T	
---	--	---	--