

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43226 of 2014

Arising Out of PS.Case No. -284 Year- 2013 Thana -HUSAINGANJ District- SIWAN

- =====
1. Sharda Devi W/o Late Sudama Resident of Village - Surapur Chhapiya, P.S. - Hussainganj, District - Siwan
 2. Karishma Kumari @ Krishna Kumari W/o Jaglal Manjhi Resident of Village - Ukhiyari, P.S. - Darauli, District - Siwan
 3. Guddi Devi W/o Sanjay Manjhi Resident of Village - Falpura, P.S. - Tarwara, District - Siwan
 4. Mira Devi W/o Ramaee Manjhi Resident of Village - Kanhauli, P.S. - Barharia, District - Siwan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.43376 of 2014

Arising Out of PS.Case No. -284 Year- 2013 Thana -HUSAINGANJ District- SIWAN

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Reshu Kumari Daughter of the Sudama Manjhia, Resident of Village-Surapur Chhapiya, P.S.-Hussainganj, District-Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.43226 of 2014)

For the Petitioners : Mr. Anil Chandra, Advocate

For the Opposite Party : Mr. Murlidhar, APP

(In Cr.Misc. No.43376 of 2014)

For the Petitioner : Mr. Anil Chandra, Advocate

For the Opposite Party : Mr. Anil Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

3 14-05-2015 These applications, made under Section 438 of the Code of Criminal Procedure, seek pre-arrest bail by the petitioners, namely, Sharda Devi, Karishma Kumari @ Krishna Kumari, Guddi Devi and Mira Devi in Cr. Misc. No. 43226 of 2014 and Rishu Kumari in Cr. Misc. No. 43376 of 2014, in

connection with Hussainganj P.S. Case No. 284 of 2013 under Section 304B read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 06.09.2014, passed, in A.B.P. No. 1026 of 2014, by the learned Sessions Judge, Siwan, rejecting the said application for pre-arrest bail.

Heard Mr. Anil Chandra, learned Counsel for the petitioners, and Mr. Murlidhar, learned Additional Public Prosecutor, appearing for the State in Cr. Misc. No. 43226 of 2014. Heard also Mr. Anil Prasad Singh, learned Additional Public Prosecutor, appearing for the State in Cr. Misc. No. 43376 of 2014.

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 *charge-sheet* has already been submitted against the petitioners under Section 304B read with Section 34 of the Indian Penal Code and the learned Sessions Judge, having considered the respective cases of the petitioners concerned, has declined to give the petitioners benefit of pre-

arrest bail, this Court is of the view that the petitioners, in the facts and attending circumstances of the present case, cannot be given benefit of pre-arrest bail.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioners, it is, however, made clear that if the petitioners surrender in the Court of competent jurisdiction and if, upon their appearance in the learned Court below, the petitioners apply for regular bail, the learned Court below shall, bearing in mind the fact that the petitioners are female persons, consider and dispose of the same in accordance with law without any unreasonable delay.

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

(I. A. Ansari, J)

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