

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18306 of 2015

Arising Out of PS.Case No. -237 Year- 2014 Thana -MAJORGANJ District- SITAMARHI

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Diltoriya Devi Wife of Late Chulhai Sahani resident of village -
Bariyarpur, Police Station - Majorganj, District - Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 14-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Diltoriya Devi, in connection with Majorganj P.S. Case No. 237 of 2014 under Sections 302/201 read with Section 120(B) of the Indian Penal Code.

Perused the above application and materials on record and a copy of the order, dated 30.03.2015, passed, in A.B.P. No. 370 of 2015, by the learned Sessions Judge, Sitamarhi, rejecting the said application for pre-arrest bail,

Heard Mr. Anil Kumar, learned counsel for the petitioners, and Mr. Ashok Kumar, 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 petitioner, 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 her 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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