

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50985 of 2014

Arising Out of PS.Case No. -456 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Alka Devi Wife of Munna Kumar, Resident of Nungola, P.S. - Hajipur
(Town), District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar, Son of Late Govind Choudhary, Resident of Village -
Mahajan Toli, P.S. - Hajipur Town, District – Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

2 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Alka Devi, in connection with Hajipur Town P.S. Case No. 456 of 2014 under Sections 420/406/34 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Perused the above application and materials on record including a copy of the order, dated 01.09.2014, passed, in A.B.P. No. 1224 of 2014, by the learned Sessions Judge, Vaishali, at Hajipur, rejecting the said application for pre-arrest bail.

Heard Mrs. Soni Shrivastava, learned Counsel for the petitioner, and Mr. Raj Ballabh Singh, 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 nature of incriminating materials available against the petitioner, this Court does not find that the petitioner has been able to make out any case calling for giving her benefit of pre-arrest bail.

It is, now, submitted by learned counsel for the petitioner that the petitioner is ready to surrender in the Court of competent jurisdiction.

Considering the matter in its entirety and in the interest of justice, while declining to grant pre-arrest bail to the petitioner, it is hereby made clear that if the petitioner surrenders in the Court of competent jurisdiction and if, upon her appearance in the learned Court below, the petitioner applies for regular bail, the learned Court below shall consider and dispose of the same in accordance with law, without unreasonable delay, bearing in mind that the petitioner is a female person.

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

Mkr./-

(I. A. Ansari, J.)

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