

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40392 of 2014

Arising Out of PS.Case No. -380 Year- 2013 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nagina Rai son of LateJanaki Rai
 2. Devendra Pd. Yadav @ Devendra Rai
 3. Satyendra Kumar @ Satyendra Rai
Both sons of Nagina Rai
 4. Bikash Kumar @ Vikash Kumar son of Shambhu Rai
All residents of Village-Katnha Loknathpur, P.S.-Motihari
Mufassil, District-East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party : Mr. Prem Kumar Jha, 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, Nagina Rai, Devendra Pd.Yadav @ Devendra Rai, Satyendra Kumar @ Satyendra Rai and Bikash Kumar @ Vikash Kumar, in connection with Motihari Muffasil P.S. Case No. 380 of 2013 under Section 147/148/452/341/323/324/307/379/504/506 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 03.09.2014, passed, in A.B.P. No. 0222 of 2014/845 of 2014, by the learned Sessions Judge, East Champara at Motihari, rejecting the said application for pre-arrest bail.

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioners, and Mr. Prem Kumar Jha, 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 and in the interest of justice, the prayer for pre-arrest bail is hereby rejected.

(I. A. Ansari, J)

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