

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51022 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -JAYNAGAR District- MADHUBANI

- =====
1. Md. Akhatar Son of Md. Kari,
 2. Md. Shaukat Son of Md. Akhatar,
 3. Md. Sakeel Son of Md. Illiyas,
 4. Md. Kaiyum @ Md. Kaiyum Maritha, Son of Md. Illiyas, Resident of Bela Parmariya Tole, P.S. - Jainagar, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s : Mr. Binod Kumar (App)

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

3 30-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Md. Akhatar, Md. Shaukat, Md. Sakeel, Md. Kaiyum @ Md. Kaiyum Maritha, in connection with Jai Nagar P.S. Case No. 104 of 2014 under Sections 307/379/504 and other minor sections of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 25.11.2014, passed, in A.B.P. No. 935 of 2014, by the learned Sessions Judge, Madhubani, rejecting the said application for pre-arrest bail.

Heard Mr. Gagan Deo Yadav, learned Counsel for the petitioners, and Mr. Binod Kumar, learned Additional Public

Prosecutor, appearing on behalf of 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 incriminating nature of materials against the petitioners, 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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