

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39110 of 2014

Arising Out of PS.Case No. -325 Year- 2013 Thana -GHANSHYAMPUR District- DARBHANGA
=====

1. Bachche Lal Sharma son of Bal Govind Sharma
2. Gopal Sharma son of Bachche Lal Sharma Both are resident of village -
Baur, Police Station - Ghanshyampur, District - Darbhanga
..... Petitioners

Versus

The State of Bihar Opposite Party
=====

Appearance :

For the Petitioners : Mr. Girish Chandra Jha, Advocate
For the Opposite Party : Mr. P.N.Pandit, APP
=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 16-04-2015 This is an application, made under Section 438 of the

Code of Criminal Procedure, seeking pre-arrest bail by the
petitioner, namely, Bachche Lal Sharma and Gopal Sharma, in
connection with Ghanshyampur Police Station Case No. 325 of
2013 under Section 436 of the Indian Penal Code.

Perused the above application and materials on
record including a copy of the order, dated
16.07.2014/05.08.2014, passed, in A.B.P. No. 65 of 2014, by the
learned Sessions Judge, Darbhanga, rejecting the said application
for pre-arrest bail.

Heard Mr. G. C. Jha, learned counsel for the
petitioners, and Mr. P. N. Pandit, 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)

Pawan/-

U		T	
---	--	---	--