

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40083 of 2014

Arising Out of PS.Case No. -157 Year- 2014 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

1. Birendra Singh Son of Harsh Dev Singh
2. Manju Devi Wife of Birendra Singh
Both resident of Village - Paharitar, Police Station - Islampur,
District - Nalanda

.... Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioners : Mr. Yogesh Chandra Verma, Senior Advocate
Mr. Anil Kumar Singh, Advocate
For the Opposite Party : Smt. A. Jaiswal, APP
For the Informant : Mr. Rajeev Kumar Singh, Advocate

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, Birendra Singh and Manju Devi, in connection
with Islampur Police Station Case No. 157 of 2014 under
Sections 304(B)/201 read with Section 34 of the Indian Penal
Code and Section 3/4 of Dowry Prohibition Act.

Perused the above application and materials on
record including a copy of the order, dated 30.08.2014, passed, in
A.B.P. No. 629 of 2014, by the learned Sessions Judge, Nalanda,
rejecting the said application for pre-arrest bail.

Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioners, and Smt. A Jaiswal, learned

Additional Public Prosecutor, appearing for the State. Heard also Mr. Rajeev Kumar Singh, learned counsel, appearing for the Informant.

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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