

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46108 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -SIKANDARA District- JAMUI

- =====
1. Manoranjan Kumar, Son of Gyandeo Mandal, Resident of Athgama, Police Station- Sabour, District- Bhagalpur, Military No.-620
 2. Bhola Kumar Paswan, Son of Rudal Paswan, Resident of village- Tapua Diyara, Police Station- Peerpaiti, District- Bhagalpur, Military No. 364, At Present Bihar Police E-Company-14, Lakhisarai, Police Station + District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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

2 23-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Manoranjan Kumar and Bhola Kumar Paswan, in connection with Sikandra P.S. Case No. 64 of 2014 under Sections 419/420 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 20.10.2014, passed, in A.B.P. No. 519 of 2014, by the learned Sessions Judge, Jamui, rejecting the said application for pre-arrest bail.

Heard Mr. Binay Kumar, learned counsel for the petitioners, and Mr. Parmeshwar Mehta, 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.

Because of the nature of incriminating materials available against the petitioners, which indicate 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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