

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50961 of 2014

Arising Out of PS.Case No. -100 Year- 2012 Thana -AHIAPUR District- MUZAFFARPUR

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1. Kishori Sah Son of Late Tarun Sah
 2. Rajbati Devi Wife of Kishore Sah
 3. Sanjay Sah Son of Kishori Sah
 4. Satyanarayan Sah Son of Late Tarun Sah
 5. Eilwar Devi Wife of Sanjay Sah
 6. Mahesh Sah Late Bujhawan Sah
 7. Umesh Sah Son of Late Bujhawan Sah
- All Resident of Village - Patiyass Jalal, P.S.- Ahiyarpur, District –
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Kr.Virendra Narayan(APP)

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

4 14-05-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Kishori Sah, Rajbati Devi, Sanjay Sah, Satnarayan Sah, Hilwar Devi @ Husali Devi, Mahesh Sah and Umesh Sah, in connection with Ahiyapur P.S. Case No. 100 of 2012 under Sections 304(B)/201/34 of the Indian Penal Code.

Perused the above application, materials available on record including a copy of the order, dated 12.11.2014, passed, in A.B.P. No. 1986 of 2014, by the learned Sessions Judge, Muzafarpur, rejecting the said application for pre-arrest bail.

Heard Mr. Sunil Kumar Pandey, learned counsel for the petitioners, and Mr. Kumar Virendra Narayan, 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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