

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45803 of 2015

Arising Out of PS.Case No. -215 Year- 2013 Thana -SARAI RANJAN District- SAMASTIPUR

Vikas Jha S/o Krishna Kumar Jha resident of Village+ P.O. Bastar
Bajarpara , Batsar, P.S. Bastar, District Batsar(Chhatisgarh)

.... Petitioner/s

Versus

1. The State of Bihar
2. Saroj Kumari W/o Vikas Jha resident of village Kanshi P.S. Smri ,
District Darbhanga At Present resident of Village Tisbarbara, P.S.
Sarairanjan District Samastipur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Srivastava

For the Opposite Party/s : Mr. Kalyan Shankar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 02-03-2016

This is 3rd attempt of the petitioner being husband of the informant to renew prayer for anticipatory bail in Sarairanjan P.S. Case No. 215 of 2013 registered for the offences punishable under Sections 498A, 307, 120B of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of learned Chief Judicial Magistrate, Samastipur.

The prosecution is of inflicting torture for

non-fulfillment of dowry demand and causing burn injury.

The petitioner's first anticipatory bail application was disposed of vide order dated 26.02.2015 passed in Cr. Misc. No. 44598 of 2014 with liberty to the learned court below to consider the prayer for regular bail of the petitioner in view of the stand of the petitioner that he is still ready to reconcile the issue and keep the informant with dignity and honour. The second anticipatory bail application was disposed of vide order dated 13.05.2015 passed in Cr. Misc. No. 17001 of 2015 on the ground that the marriage between the petitioner and the informant got dissolved by a decree passed in Matrimonial Suit No. 17-A/2014, though, the judgment was passed on 02.01.2015 and earlier anticipatory bail application was disposed of on 26.02.2015 but it was not brought to the notice of the Court.

Now the prayer has been renewed relying upon a judgment of the Apex Court that the prayer for anticipatory bail can be considered till the concerned accused is not being arrested.

This Court does not find any ground to revise the earlier order.

It is expected from the learned court below to consider the prayer for regular bail of the petitioner keeping in

view of the fact that now the marriage has been dissolved between the parties and no useful purpose will be served in keeping the petitioner inside the jail.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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