

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6273 of 2017

Arising Out of PS. Case No.-125 Year-2013 Thana- BHORE District- Gopalganj

Jitendra Ojha

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur
For the Opposite Party/s : Mr. SRI RAM ANURAG SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2018 Heard learned counsels for the parties.

The petitioner being husband of the victim has renewed his prayer for anticipatory bail in a case registered for the offences punishable under sections 304B and 201 of the IPC.

The prosecution case got initiated with the written report of of Balmiki Devi dated 11.8.2013 submitted before the SHO, Bhore Police Station, is to the effect that the informant's daughter Sudha was married two years prior to the lodging of the case with the petitioner, Jitendra Ojha but after the marriage, torture was inflicted for non-fulfillment of dowry demands. On 11.8.2013, the informant came to know that her daughter has been killed. Thereafter the informant went to the in-law's house of her daughter and came to know that the victim caught fire due to fall over lamp and the dead body has been disposed of,



leading to registration of the FIR.

The petitioner along with others, after two years of the registration of the FIR, preferred anticipatory bail application vide Cr. Misc. No. 44161 of 2014 on the ground that he was employed outside the country but the prayer was rejected by this Court vide order dated 4.8.2015, as contained in Annexure 1.

Now, the prayer is being renewed on the ground that co-accused Lalan Ojha and Pankaj Kumar Ojha being the father and brother of the petitioner, have been acquitted by the learned 5th Additional Sessions Judge, Gopalganj vide judgment dated 23rd November, 2015 passed in S.T. No. 343 of 2014 on the ground that the prosecution has failed to prove that the cruelty by way of harassment was inflicted upon the victim by the accused persons for non-fulfillment of dowry demand immediately before the death.

Considering the fact that the petitioner's anticipatory bail application was rejected on 4.8.2015 and the co accused were acquitted vide judgment dated 23rd November, 2015, but the prayer for anticipatory bail has been renewed on 8.2.2017, this Court is not inclined to revise the earlier order. Prayer for anticipatory bail is accordingly rejected in connection with Bhorey P.S. Case No. 125 of 2013 pending in the court of



learned CJM, Gopalganj.

However, the learned court below may consider the prayer for regular bail in case the petitioner surrenders within six weeks keeping in view the fact that the co-accused persons have been acquitted.

(Dinesh Kumar Singh, J)

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