

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17443 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- VAISHALI District- Vaishali

HEMANT OJHA @ RITU OJHA Son of Madhu Kant Ojha, Resident of
Village- Manpura, P.S.- Vasihali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Tiwari

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 21-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Vaishali (Belsar O.P.) Police Station Case No. 213 of
2018, disclosing offences under Section 302/34 of the Indian
Penal Code.

The allegation against the petitioner, as per the First
Information Report lodged by the mother-in-law of the
petitioner, is that the marriage of the daughter of the informant
was solemnized with the petitioner about 13 years ago and on
10.01.2018, at about 3 AM, the informant received a call from
the son of her daughter that her daughter has died. On that
information, she reached the village of the petitioner along with
her sons and saw the dead body of her daughter. It has further



been alleged that from the dead body of her daughter, it transpires that she has died due to burn injuries. The informant has claimed that her daughter has been killed by the petitioner and others by assaulting her and then put on fire.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case with oblique motive. He further submits that the marriage of the deceased was solemnized with the petitioner about 13 years back and out of their wedlock, two children had born. He further submits that in fact, the deceased has got burn injuries while she was preparing lunch for her son in the kitchen. He further submits that immediately after the deceased received burn injuries, the petitioner had informed his in-laws and had taken the deceased to the hospital but on the way, the deceased succumbed to the injuries. He, referring to the *post-mortem* examination report, submits that cause of death is due to burn injuries and there was no mark of external injury on the body of the deceased. He, referring to paragraph 30 of the case diary, which is the statement of the son of the petitioner, aged about 10 years, submits that the son of the petitioner has stated that his mother was making lunch for him in the kitchen and in that process, she was caught by fire and then she was taken to the



hospital by his father, i.e. the petitioner.

On the other hand, learned Additional Public Prosecutor submits that the statement of the child witness, i.e. son of the petitioner, goes to show that that the deceased had died due to accidental fire.

After having heard learned Counsel for the parties and taking into consideration the fact that the statement of the son of the deceased and the petitioner was recorded by the police, in which he, being the eye-witness to the occurrence, has stated that her mother died due to accidental fire while she was making food for him, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Hemant Ojha @ Ripu Ojha, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Vaishali (Belsar O. P.) Police Station Case No. 213 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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