

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39263 of 2021**

Arising Out of PS. Case No.-12 Year-2018 Thana- BANKA District- Banka

NACHIKETA JHA @ RAJA Son of Diwakar Jha Resident of Village - Gorba,
P.O.- Barhouna, P.S.- Barahat, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

4 29-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Banka
(Barahat) P.S. Case No. 12 of 2018 registered under Section
304B of the Indian Penal Code.

Allegation against the accused persons including the
petitioner is of committing torture and causing death of the



victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is husband of the deceased. It has been submitted that it is a case of catching accidental fire, which led to death of the deceased.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. He is husband of the deceased. As per postmortem report, the deceased is said to have sustained 90% burn injury. The postmortem report supports the allegation made in the FIR.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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