

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55484 of 2015**

Arising Out of PS.Case No. -281 Year- 2015 Thana -MADHEPURA District- MADHEPURA

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1. Amit Sah S/o Fullendar Sah@Fullen Sah Resident of Village -Sakhuwa,  
Police Station and District- Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bhavisha Devi W/o Amit Sah Resident of Village: Sakhuwa, Police  
Station and District Madhepura, At present Bhavisha Devi, D/o Manoj sha,  
W/o Amit Sah, resident of Village Sahas Ram ,Po Lalitpur, P.s sour Bazar(  
Patarghatn O.p) District Saharsa.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**

**ORAL ORDER**

3      05-02-2016

Heard learned counsel for the petitioner.

Petitioner Amit Sah is in custody in Madhepura  
(Bharrahi) P.S. Case No. 281 of 2015 under Section 498A,  
307,323,324,326, 504/34 of I.P.C.

According to the prosecution case, the petitioner who  
is the husband of the informant with intention to murder, took her  
to maize field and while he was assaulting to kill, the nearby  
people came there and saved her. Prior to the occurrence, the  
informant was being subjected to cruelty in connection with  
demand of dowry of Rs. 3,00,000/-.

Learned counsel for the petitioner submitted that both



of them performed love marriage and in fact the informant herself has stated that she along with the petitioner went to reside in rented house by the side of her parents' house. Subsequently the informant Bhavisha Devi suspected that the husband has got illicit relation with another lady has falsely filed this case alleging that this petitioner tried to kill her. In fact the petitioner is still ready to keep the informant with dignity as wife, but she is not willing to stay with the petitioner.

On the other hand the learned counsel appearing on behalf of the informant as well as the learned A.P.P. for the State objected the prayer for bail and submitted that the petitioner with intention to kill the informant gave nine Chura blow on the person of the informant as a result of which she became senseless and the doctor in the injury report has fully supported this case. However the informant is still ready to reside with the husband, if the husband will pay maintenance per month and keep her with dignity.

Perused the case diary. From perusal of the injury report, it appears that the doctor found nine injuries. Out of them, one is caused by hard and blunt substance and the injury No.5 is caused by penetrating weapon. The other injuries, except injury no.5, are simple in nature. From the above facts and the narration

of the story made in the F.I.R. and the period of custody that the husband is in custody since 10.08.2015 and considering the relationship between them, I direct that the petitioner be released on bail on furnishing bail bond of Rs. 5,000/- (Rs. Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 281 of 2015.

If, in fact both the parties agreed to live together as submitted before this Court, they should file compromised application before the Court below.

**(Mungeshwar Sahoo, J)**

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