

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48524 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

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Surya Shankar Sah Son of Late Hari Prasad Sah Resident of Chintahari Niwas, Madnuchak Laxmi Narayan Lane, Mirjanhat, P.S.- Mozahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shashank Shekhar, Advocate
For the Informant	:	Mr. Madan Mohan, Advocate Ms. Pallavi Pandey, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner, learned counsel for the informant and the State.

The petitioner seeks bail in **Mojahidpur P.S. Case No. 130 of 2019**, registered for the offences punishable under Sections 498(A), 307, 324 and 34 of the Indian Penal Code and section 3/4 Dowry Prohibition Act and section 27 the Arms Act.

Petitioner is father-in-law of the informant. In sum and substance the allegation is that due to non-fulfillment of demand of dowry the petitioner subjected the informant all sorts of torture and petitioner also ousted her from the house with her husband. Thereafter, informant used to live at her Naihar. Whenever informant used to come her sasural this petitioner assaulted her. On 12.05.2019 when the informant along with her



husband went to her sasural, petitioner opened fire from his licensee revolver which hit on her abdomen. Thereafter, she was taken to the hospital for treatment.

It is submitted that petitioner has falsely been implicated in this case. Petitioner is father-in-law of the informant. Husband of the informant has not been made accused. It is further submitted that in fact, this informant and her husband want partition of property and share in the house and in order to put pressure, this false case has been lodged against this petitioner who is 65 years old. Petitioner is in custody since 31.05.2019 having no criminal antecedent.

Learned counsel for the informant vehemently opposed the prayer for bail submitting that there is specific allegation of causing firearm injury to the informant.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Bhagalpur** in connection with **Mojahidpur P.S. Case No. 130 of 2019.**

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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