

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60961 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- UCHKAGAON District- Gopalganj

SHAMBHU SAH S/O KANHAIYA SAH R/O MOHALLA-
MAHAMMADPUR, THANA- BARHARIA, DIST. SIWAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHAKUNTLA DEVI W/O SHAMBHU SAH R/O MOHALLA-
MAHAMMADPUR, THANA- BARHARIA, DIST. SIWAN. AT PRESENT
RESIDING AT C/O KESHAV SAH VILLAGE- TRILOKPUR, PS.
UCHAKAGAON, DIST. GOPALGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Uchakagaon P.S. Case No. 67 of 2023, dated 01.03.2023,
registered for the offence punishable under Sections 323, 406
and 498A of the Indian Penal Code.

3. The case of prosecution, in short, is that the
informant has married with the petitioner on 30-05-2015. At the
time of marriage parents of victim gave Rs. 1.5 lakh cash,
utensils worth Rs. 20,000/-, cloths worth Rs. 30,000/-,



ornaments worth Rs. 1.5 lakh, furniture worth Rs. 80,000/-, one Hero Honda Motorcycle worth Rs. 68,000/- as gift, but petitioner alongwith his family members were not happy and demanded Rs. 2 lakh more as dowry. Two children born out of wedlock, Petitioner alongwith his family demanded Rs. 2 lac and used to torture for the same and ultimately on 07-10-2022 ousted her from her matrimonial house and kept all her belongings.

4. Learned counsel for the petitioner submits that the petitioner is the husband of the informant. The present case has been filed in retaliation of the case filed by the brother of the petitioner vide complaint case which turned into F.I.R. registered as Mirganj P.S. Case No. 431 of 2022, dated 22.12.2022, under Sections 307 and other allied Sections of the I.P.C. It is further submitted that informant has informed the petitioner that her full brother is seriously ill and called her at matrimonial house, where her brother and other persons named in the F.I.R. have badly assaulted the petitioner with an intention to kill him. Due to assault, the petitioner and his family members became badly injured and petitioner was admitted at Sub-divisional Hospital, Hathua, Gopalganj, where from he was referred to Sadar Hospital, Gopalganj and seeing his critical



condition referred to P.M.C.H., Patna for better treatment. Due to the injury, petitioner has lost his left eyesight and fracture in the body. It is also submitted that on 20.06.2023, when the petitioner along with his parents and children was returning back from attending the mediation in pursuance of the case filed by the informant bearing Uchakagaon P.S. Case No. 67 of 2023, and when they reached near Jigna Dhala at about 1:14 P.M., the accused persons namely Shailesh Sah, Rajan Sah and several other persons covered their face armed with rod and attached on them. All family member trying to fled away here and there, but due to old age mother of the petitioner failed to flee away and the accused persons badly assaulted with rod, as a result of which she succumbed to her injuries and died on the way to Hospital. The petitioner has no criminal antecedent.

5. Learned counsel for the complainant has vehemently opposed the prayer for bail to the petitioner.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned A.C.J.M.-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 67 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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