

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7454 of 2017

Arising Out of PS.Case No. -10032 Year- 2014 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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MD. SADDAM HUSSAIN@ MD SADDAM, son of Md. Nasiruddin,
resident of village-Bhawanandpur, P.S.-Birpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Fatima Khatoon wife of Md. Saddam Hussain, resident of village-
Bhawanandpur, P.S.-Birpur, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP
Mr. Ravindra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 21-06-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.10032-C of 2014 instituted for the offence under
Section(s) 498-A Indian Penal Code.

Earlier, the matter was sent to Mediation Centre for
amicable settlement of the dispute. As per report of the Mediator
kept at flag-‘A’, mediation between the parties has failed.

Petitioner is husband of Opposite Party No.2. There
is direct and specific allegation of committing torture with
Opposite Party No.2.

It has been submitted on behalf of the Opposite



Party No.2 that she is ready for one time settlement if the petitioner does not want to keep her properly. The petitioner, who was already married, neglects her and is not ready for one time settlement.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Begusarai, within a period of four weeks from today in connection with Complaint Case No.10032-C of 2014 and make prayer for regular bail and in the event the Court below finds that the petitioner is either ready to keep the complainant with full dignity and care or ready for one time settlement with the complainant-Opposite Party No.2, the court below will release the petitioner on provisional bail to its own satisfaction for a period of six months and will monitor the relationship between the parties by calling both of them every month in the Court and in the event the Court below succeeds in restoring good conjugal relationship between husband and wife and wife does not make any complain about the physical and mental torture committed by the petitioner during the period of her stay with him or after arriving at one time settlement with the Opposite Party No.2, the Court below will confirm the provisional bail of the petitioner after six months.



It is made clear that in the event the petitioner does not become ready to keep the Opposite Party No.2 with proper respect and care and/or for one time settlement or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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