

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69295 of 2019

Arising Out of PS. Case No.-1536 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Saddam Hussain, aged about 29 years, Male, Son of Mohammad Mian @ Nor
Mohammad Miyan Resident of village- Dakshini Chhatwaniya, P.S. Harsidhi,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jeenat Praveen wife of Saddam Hussain D/O Late Rahim Miyan Resident of
village- Jhiuwadhar, P.S. Harsidhi, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in

Complaint Case No. 1536 of 2018 dated 30.07.2018 under

Sections 323, 324, 341, 379, 498A, 504 read with Section 34 of

the Indian Penal Code and Section 3/ 4 of Dowry Prohibition

Act.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State. I have also
perused the relevant record of the case, necessary for
adjudication of this petition.

The dispute appears to be between the husband and
the wife. Prima facie, there is no allegation of physical assault



and the dispute with the passage of time is likely to be resolved amicably and no purpose would be served keeping the petitioner behind bar.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 26.06.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No.1536 of 2018 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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