

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54029 of 2023

Arising Out of PS. Case No.-1094 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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SADDAM HUSSAIN SON OF ABDUL HANNAN R/O CHHADAKA
TOLA, HAL BAIDA, PS- AMDABAD, DIST- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAKILA KHATOON WIFE OF SADDAM HUSSAIN, D/O MD.
MURTUZA R/O BHARNATHI, PS- AMDABAD, DISTT- KATIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. This is an application for grant of anticipatory bail
in connection with Complaint Case No. 1094/ 2017, registered
for the offence punishable under Section 498(A) of the Indian
Penal Code and Sections 4 of Dowry Prohibition Act.
3. The marriage of the complainant is stated to have
been solemnized with the petitioner about 10 years ago as per
Muslim rites and customs, whereupon she had come to her
matrimonial home and out of the said wedlock, two children
were born, nonetheless, the accused persons including the
petitioner herein who is the husband of the complainant used to



torture her and finally she was ousted from her matrimonial home along with children.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has referred to paragraph no. 13 of the present petition to submit that the petitioner is ready and willing to keep his wife with due honour and dignity and is also ready to participate in mediation proceedings before the Ld. Court below, in order to resolve the matrimonial disputes amicably.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case dairy, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M., Katihar in connection with Complaint Case No. 1094 of 2017, within a period of four weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall



issue notice to the complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

7. The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be petitioner or revoking the same subject to outcome of the mediation proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition by the learned court below.

8. In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

9. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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