

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.54653 of 2023

Arising Out of PS. Case No.-305 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. SADDAM @ MD. SADDAM HUSSAIN, aged about 34 yrs./Male, S/O
ABDUL RAJJAK R/O VILLAGE- DHAPI, P.S- BALRAMPUR (TELTA O.P.),
DISTT.- KATIHAR. Petitioner/s

Versus

1. The State of Bihar
2. ARASTA KHATUN, W/O MD. SADDAM, D/O MD. RAQUIB, R/O VILLAGE-
PELAPUR, P.S- BALRAMPUR, DISTT.- KATIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazher Alam, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Katihar Complaint Case No.305/2021 registered for the
offence(s) punishable under Section(s) 498(A), 448 and 323 of
the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that petitioner is husband of the
complainant, the allegations levelled by his wife in the
complaint petition are completely false, in fact complainant
herself does not want to live in the company of the petitioner.
Further submissions are that petitioner has filed a matrimonial



suit for restitution of his conjugal rights which is pending before the Family Court, Katihar and he is still ready to keep the complainant with full dignity and the matter is based on the complaint in which the trial court has taken cognizance of the offences punishable under Section 498(A) of the IPC and Section 4 of D.P. Act and thereafter the petitioner has been summoned by the trial court.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the nature of allegation appearing against the petitioner, who has filed a matrimonial suit under Section 9 of Hindu Marriage Act for the restitution of his conjugal rights which is pending before the Family Court, Katihar, in my opinion, in the said circumstances, petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Katihar Complaint Case No.305/2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

Sanjay/-

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