

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74474 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- SIKARPUR District- West Champaran

Saddam Hussain @ Sada Hussain @ Saddam Husain aged about 25 years,
Male, Son of Mansur Ansari R/V- Kaithavaliya, P.S- Chanpatia, Dist- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabana Khatoon, aged about 21 years, Female, Wife of Saddam Hussain @
Sada Hussain @ Saddam Husain , D/O Hasanjan Ansari R/V- Murgiya Tola,
P.S- Ramgadhwa, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-03-2023 Heard Mr. Sanjeev Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Manoj Kumar,
learned A.P.P. for the State through video conferencing.

2. The petitioner who is in custody since 22.08.2022,
seeks regular bail in connection with Shikarpur P.S. Case No. 71
of 2022, for the offence punishable under Section 341, 323, 325,
354B, 379, 504, 498A read with Section 34 of the Indian Penal
Code.

3. The prosecution case, in brief, is that the petitioner
was married with the daughter of the informant in the year 2018,
however, on 23.01.2022, the victim was assaulted by all the
accused persons named in the F.I.R, including the present



petitioner. There is further allegation that as a result of assault the hand and finger of the victim broke and all her belongings were also snatched by the accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had married with the daughter of the informant both of them can be considered to have just emerging adult. The petitioner is aged about 21 years. The petitioner has never tortured or subjected the victim to any cruelty if at all, any allegation of torture can be made out, the same can be alleged against the other accused persons who are the family members of the petitioner. He further submitted that in paragraph no. 6, he has made specific statement that petitioner, who is the husband of the informant is ready to keep her with full dignity and honour.

5. Considering the matrimonial dispute and the age of the petitioner and informant, learned counsel appearing on behalf of the informant have agreed that they will advise their respective parties to arrive at an amicable settlement, so that they can lead a happy matrimonial life.

6. Learned counsel appearing on behalf of the informant, however, has submitted that the petitioner can be released on regular bail that as statement has been made on



behalf of the petitioner that petitioner is ready to keep the informant with full dignity and honour and will support her financially and morally and take care of her day to day needs. The petitioner can be released provisionally on any terms and conditions as imposed by this Court.

7. Learned APP appearing on behalf of the State submitted that considering the strained relationship between the husband and wife the matter being matrimonial in nature, the parties should strive to reconcile their matrimonial discord and in that view of the matter with respect to certain terms and conditions, the petitioner may be released on provisional bail.

8. Having heard the rival submissions of the parties, the nature of the case, the petitioner and the informant who are husband and wife and are also of very young age and have just emerged as an adult and are still to attain their maturity, it is expected that the family members of the petitioner and informant will allow them to lead their conjugal life happily. Petitioner has made a specific statement in paragraph no. 6 of the bail application that he is ready to keep the informant with full dignity and honour. Prima facie, the petitioner has made out a case to be released on provisional bail.

9. Let the petitioner, above named, is directed to be



released on provisional bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 71 of 2022.

10. Further subject to the condition that the mother and father of the informant and the petitioner must settle the dispute between the husband and wife amicably and try to resolve dispute between the two young couple to lead their happy conjugal life. In case, the petitioner and the informant make no complaint for one year, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as imposed by the Sub-ordinate Court. Such exercise must be made on behalf of the petitioner within fifteen days from the date of his release, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

11. With the above observations and directions, the present bail application stands disposed.

(Purnendu Singh, J)

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