

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14982 of 2024

Arising Out of PS. Case No.-646 Year-2023 Thana- BASANTPUR District- Siwan

SAJJAD HUSSAIN @ SAJAD HUSAIN @ SAHJAD VARSI S/O- CHAND
MOHAMMAD @ CHAND MAHMAD R/O- VILLAGE- MURA (MUDA),
P.S.- BASANTPUR, DIST.- SIWAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR, PATNA
2. Sabeya Khatun D/o Gaffar Mian R/o vill - Barhamasthan, P.S. - Bhagwanpur Hat, Distt. - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satyendra Rai, Adv.
For the State	:	Mr.Abhay Kumar Roy, APP
For the O.P. No.2	:	Mr. Javed Aslam, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 26-10-2024 Heard Mr. Satyendra Rai, learned counsel for the petitioner, Mr. Abhay Kumar Roy, learned APP for the State and Mr. Javed Aslam, learned counsel for the O.P. No.2.

2. The petitioner apprehends his arrest in connection with Basantpur P.S. Case No. 646/ 2023 registered for the offence(s) punishable under Section(s) 341, 323, 308, 504 and 498A of the Indian Penal Code

3. The main submissions advanced by learned counsel for the petitioners are that the informant happens to be the wife of the petitioner and she had earlier filed Basantpur P.S. case No. 469/ 2022 for the offences punishable under section(s) 341, 323, 498A, 504 read with section 34 of the IPC in which the



petitioner has got bail and the instant matter relates to an incident of *Mar-pit* allegedly taken place in the shop of the petitioner and there is no medial evidence in support of the allegation of causing injury to the informant by this petitioner by teeth biting and further, there is case and counter case in between the parties. It is further submitted that if the allegations made in the F.I.R. are believed even then provocation was made on the part of the informant as she admittedly visited the shop of the petitioner.

4. Learned counsel for the O.P. No.2 vehemently opposed the bail prayer of the petitioner and submitted that the petitioner is in habit of assaulting the informant who happens to be his wife and the instant matter relates to physical cruelty as well as injuries caused to the informant by this petitioner.

5. Considering the facts and circumstances of this case as well as the above submissions and mainly the facts that in between the parties there is a case and counter case and the informant lodged Basantpur P.S. case No. 469/ 2022 prior to the lodging of the FIR of the present matter in which the petitioner has got bail and the petitioner has taken a plea that with regard to the physical assault allegedly committed by the petitioner with the informant, there is no medical evidence, in my opinion,



in the said circumstances, the 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 Basantpur P.S. No. 646/ 2023 on furnishing bail bond of Rs. 20,000/-(Twenty 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)

BKS/-

U		T	
---	--	---	--

