

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60370 of 2023

Arising Out of PS. Case No.-1217 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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SADDAM HUSSAIN SON OF MAULASHARIF RESIDENT OF
VILLAGE- BAGOICHA, PS- DAUDPUR, DISTT- SARAN, AT PRESENT
PLOT NO. 83, BLOCK-V NEAR HARIYANA DAIRY SECTOR- C,
BHAGAWATI VIHAR, PS- UTTAM NAGAR, DISTT- WEST DELHI

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. YASMIN PRAVEEN @ YASHMIN PARVEEN WIFE OF SADDAM
HUSSAIN RESIDENT OF VILLAGE- BAGOICHA, PS- DAUDPUR,
DISTT- SARAN AT PRESENT D/O KHURSHID ALAM R/O MOHALLA-
LAKOO BAZAR, KARMCHAK, PS- TOWN, DIST- SARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For the O.P. No.2	:	Mr. Gaurav Kumar, Advocate
		Ms. Kumari Archana, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-01-2024 Heard learned counsel for the for the petitioner, learned
counsel for the O.P. No.2 and learned APP for the State.

2. Earlier, vide order dated 06.10.2023, this matter was
referred to the Mediation Centre, Patna High Court for the
process of Mediation. The learned Mediator has stated in the
mediation report that the dispute between the parties could not
be resolved through the mediation and hence, the mediation
failed.

3. Also, in compliance of the order dated 21.12.2023, the
Opposite Party No.2 as well as the petitioner are physically



present in the Court.

4. The petitioner apprehends his arrest in connection with Complaint Case No.1217 of 2022, registered for the offences punishable under Section 307, 323, 379, 498A, 504, 506/34 of the Indian Penal Code, pending in the Court of learned Judicial Magistrate 1st Class, Saran at Chapra.

5. Petitioner, who is husband of complainant, is said to have ousted her from the matrimonial home in association of his family members over the dowry demand.

6. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. The petitioner, himself denied in the Court that he will not keep the O.P. No.2 with himself. The petitioner has relied upon the judgment of this Court in the case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006 (3) PLJR 182**.

7. Learned counsel for the O.P. No.2 as well as learned APP for the State opposed the prayer for grant of bail. The complainant/O.P. No.2 stated in the Court that she is ready and willing to reside with the petitioner but the petitioner is not



ready to live with her.

8. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.1217 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

9. Petitioner is ready to pay Rs.10,000.00 (Rupees Ten Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

10. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

11. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If she fails to furnish the same, the



aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details.

12. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

13. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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