

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78051 of 2023

Arising Out of PS. Case No.-1077 Year-2022 Thana- MADHEPURA District- Madhepura

MD. SADDAM HUSSAIN @ SADDAM HUSSAIN SON OF MD.
KAMALUDDIN RESIDENT OF VILLAGE - BUDHAMA, P.S. -
MADHEPURA (BHARRAHI O.P.), DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Madhepura (Bharrahi O.P) P.S. Case No. 1077 of 2022 for the offence under Sections 376, 341 and 323 of the I.P.C. lodged on 13.11.2022 by the informant, Sahana Khatoon.

3. As per the prosecution story, the petitioner took away Rs. 80,000/- (the amount she was granted under Indira Awas Yojana) and further also Rs. 36,000/- which was sent by her husband from Punjab by threatening her and also made physical relationship with her. The informant further alleged that upon returning home from Punjab and knowledge of the incident, the husband divorced her, she thereafter went to the house of the petitioner and informed about the happenings but



was assaulted and thrown out of the home as the police did not lodged the FIR, the complaint.

4. Learned counsel for the petitioner submits that from the aforesaid facts it is clear that she despite a married lady made relationship with the petitioner and only because her husband divorced her upon returning from Punjab, she came to the home of the petitioner, the petitioner was unable to keep her and as a result, the complaint. Further contrary to the statement that she has been divorced, the police went to get her statement, it was informed that she has gone alongwith her husband.

5. Learned APP on the other hand opposes the prayer for anticipatory bail stating that in the absence of her husband, petitioner forcibly made physical relationship with her and further also took away the Indira Awas Yojana first installment amount of Rs. 80,000/- and Rs. 36,000/- which the husband has sent for her upkeep. He further submits that the criminal act of the petitioner virtually affected the family of the complainant.

6. Considering the submissions made by the parties and the facts on record, the allegation against the petitioner is not only of having forced himself upon the complainant, he also took away the Indira Awas Yojana amount as also Rs. 36,000/- which had arrived from her husband and in the background, it



would be appropriate that he seeks bail.

7. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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