

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28725 of 2019**

Arising Out of PS. Case No.-1465 Year-2016 Thana- COMPLAINT CASE District- Araria

Md. Afaque @ Md. Apaque, S/o Murad Ali, R/o Village Gadahkat P.S. Sikty,  
District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar  
2. Munni Khatoon, W/o Md. Afque, D/o late Kalimuddin, R/o Village  
Gadahkat, P.S. Sikty, District Araria.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      17-07-2019      This is an application for grant of anticipatory bail in  
connection with Complaint Case No. 1465C of 2016, disclosing  
offence under Section 498A of the Indian Penal Code.

Allegation against the petitioner is of demanding  
dowry and subjecting to cruelty and also he has married with  
another lady.

Submission of learned counsel for the petitioner is  
that he is still ready to keep her with dignity and care, but the  
opposite party no.2 is not ready to reside with him.

Heard learned A.P.P. as well as learned counsel  
appearing on behalf of the opposite party no.2 also, they have  
opposed the prayer for anticipatory bail on the ground that  
petitioner has solemnized the second marriage with another  
lady. Further in this case, a Maintenance Case No.233 of 2016



filed by the opposite party no.2 has been allowed and petitioner was directed to pay Rs.4000/- altogether to the opposite party no.2 for herself and for her child, but up till now, no any single penny has been paid by the petitioner.

Having heard both sides, considering the above submissions, the petitioner is directed to pay at least 25% of the dues amount to the opposite party no.2 as well as if he is ready to pay the current amount regularly, he will be released on bail on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M., Araria in connection with Complaint Case No. 1465C of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure, and also on condition that 25% of the dues amount is not paid within three months and current amount of maintenance is not paid for three months continuously, the opposite party no.2 is at liberty to move for cancellation of his bail bonds before the court below itself.

With the aforesaid observations, this application is disposed of.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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