

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62882 of 2019

Arising Out of PS. Case No.-661 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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Ashfaqe Alam, Son of Majebur Alam, Resident of Village - Village Shakti
Nagar , Janta, P.S.- Dighalbank. Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niyara Khatoon W/o Ashfaqe Alam, D/o Fajlur Rahman, Resident of
Village - Shakti Nagar Janta, P.S.- Dighalbank, Distt.- Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-01-2020 This is an application for grant of anticipatory bail in
connection with Complaint Case No. C 661 of 2018, disclosing
offences under Section 498A of the Indian Penal Code.

As per the complaint petition, there is allegation
against the petitioner of demand of Rs.2 lakhs and for that,
subjected her to cruelty and ousted her from the house. She has
also made allegation that he had married with another lady.

Submission of learned counsel for the petitioner is
that the whole allegation is false and concocted and he is still
ready to keep her with full dignity and care, whereas a
submission of the learned counsel for the opposite party no.2
that he had three children and she was ousted from the house



and further petitioner had married with another lady only for the desire of a boy child and petitioner is in the transport business, however the above submission of learned counsel for opposite party no.2 has been denied by the learned counsel for the petitioner stating that he is only a driver.

Heard learned APP as well as learned counsel for the opposite party no.2, who has opposed the prayer for bail.

Having heard both sides, in view of the submission and as matter relates to marital dispute, this application is disposed of with a direction to the petitioner that if he is ready to pay Rs.4000/- per month to the opposite party no.2 for a period of one year and file such an affidavit before the court below, the petitioner shall be released on bail for a period of six months on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned C.J.M., Kishanganj, in connection with Complaint Case No.C 661 of 2018.

It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

It is expected that during the period of one year,



opposite party no.2 shall move before the learned Family Court for grant of maintenance and on personal service to the petitioner, petitioner has to appear and on appearance to co-operate in disposal of the same.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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