

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10010 of 2016

=====

1. Murari Yadav son of Sri Ganesh Prasad Yadav @ Ganesh Yadav resident of Village Barari, Bargachh Chowk , P.S. Barari, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Devi wife of Murari Yadav Resident of Village, P.O. and P.S. Sajaur, District Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 08-12-2016 By an order dated 24.08.2015 passed by learned Principal Judge, family Court, Bhagalpur in Maintenance Case No. 101 of 2013, invoking Section 125 of the Code of Criminal Procedure, 1973, he has directed the petitioner to pay a sum of Rs. 3,000/- per month to opposite party No. 2 (Rs. 2000/- for wife and Rs. 1,000/- for the only daughter) as ad interim maintenance during the pendency of the application.

Learned counsel appearing on behalf of the petitioner has submitted that factum of marriage between the petitioner and opposite party No. 2 itself is in dispute and has specifically been disputed by the petitioner before the court below. He has also submitted that opposite party No. 2 is employed and working as a



teacher and, therefore, she has sufficient means to maintain herself.

Since the said Maintenance Case No. 101 of 2013 is yet to be finally decided and the order, which has been passed, is not upon final adjudication of dispute between the parties, I do not find any reason to consider the submission in the present proceeding, as advanced on behalf of the petitioner. The question whether the opposite party No. 2 is legally wedded wife of the petitioner and whether the opposite party No. 2 is competent to maintain herself on the basis of her own earning, shall be gone into by the court below at the time of final adjudication of the said Maintenance Case No. 101 of 2013.

With this observation, this application is disposed of.

(Chakradhari Sharan Singh, J)

Vats/-

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

