

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.614 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Rajiv Kumar Rai @ Rajiv Kumar, Son of Rajendra Rai, Resident of Village- Puari
Bujurg, P.O. Hajipur, P.S. Ganga Bridge, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Priyanka Kumari, D/o Ram Pravesh Rai, Resident of Village- Tetarpur, P.S. Mohaddi Nagar, District Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the O.P. No.2 : Mr. Ajay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

Date: 17-09-2018

Petitioner has preferred this revision application against the order dated 15.5.2015 passed by the Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No. 132 of 2014 by which petitioner was directed to pay Rs.4000/- from January, 2014 to April, 2015 and thereafter to pay Rs.8000/- as maintenance per month from May, 2015 and onwards.

2. The ground for assailing the impugned order by learned counsel for the petitioner is that petitioner has denied the marriage with opposite party No.2 and submitted that she is sister-in-law of his elder brother and no marriage was solemnized, rather petitioner has married with Guria Kumari, daughter of Ramkirit Rai and to that



effect a certificate has been issued by the Mukhiya (Annexure-3). Further submission of learned counsel for the petitioner is that he has filed a matrimonial case being Matrimonial Case No. 62 of 2013 for declaration that no marriage has been performed with opposite party No.2, as such the order for maintenance is not sustainable in the eye of law.

3. On the other hand, learned counsel for opposite party No.2 has filed a counter affidavit stating that opposite party No.2 is legally married wife of the petitioner and marriage was solemnized on 14.11.2011 according to Hindu rituals and in support of that he has annexed photograph of marriage as Annexure-A to the counter affidavit. Further submission is that the Matrimonial Case No. 62 of 2013 filed by the petitioner for declaring the marriage null and void was dismissed for default and moreover at the time of grant of anticipatory bail to the petitioner by this Court in Cr.Misc.No.2663 of 2013 vide order dated 22.1.2014 has observed that petitioner denied the marriage, however, if the petitioner so desires, he may file a suit in this regard and while granting anticipatory bail petitioner was directed to pay Rs.4000/- per month as maintenance to opposite party No.2 till the maintenance case is decided by a competent court.

4. Considering the aforesaid facts and circumstances, so far contention of petitioner that opposite party No.2 is not his married



wife cannot be decided by this Court in this application, rather the petitioner is directed to pursue his remedy before an appropriate forum and in the meantime, petitioner shall continue to pay the maintenance amount as per direction of the Family Court.

5. I find no merit in this revision application. It is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

spa/-

AFR/NAFR	
CAV DATE	
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