

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.727 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Devan Yadav @ Dev Narayan Yadav, son of Lahsan Yadav, resident of village
Raghopur, P.S. Azam Nagar, Dist. Katihar

... .. Petitioner

Versus

1. The State Of Bihar
2. Joso Devi, w/o Devan Yadav, d/o Motilal Yadav
3. Abali Kumari, d/o Devan Yadav, minor represented through her legal
guardian mother Joso Devi, both residents of village Dubra, P.S. Azam Nagar,
Dist. Katihar

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Maheshwar Prasad
For the Respondent/s : Mr.Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

9 06-05-2019 This application has been filed against the order dated

28.4.2016 passed by learned Additional Principal Judge, Family
Court, Katihar in Maintenance Case No. 197 of 2011 filed by opposite
party No.2 under Section 125 Cr.P.C. on 20.9.2011, whereby and
whereunder the learned Principal Judge has directed the petitioner to
pay Rs.3000/- per month and also Rs.20,000/- as litigation cost to
opposite party Nos. 2 and 3.

Learned counsel for the petitioner has assailed the
impugned order on the ground that opposite party No.2 Joso Devi is
not wife of petitioner and also denied that opposite party No.3 is his
daughter and submitted that without considering the above fact, the
impugned order granting maintenance has been passed, as such the
impugned order is not sustainable in the eye of law. Elaborating it



further, it has been submitted that apart from the oral evidence whatever documents have been filed by the opposite parties, are the documents created after lodging of the case and as such authenticity of the same cannot be relied upon. Further submission is that the learned Family Court has not considered the aforesaid aspects of the matter and in spite of specific assertion of the petitioner that the opposite party No.3 is not his daughter, even no DNA test was directed to be held and allowed the petition filed by opposite party No.2 for grant of maintenance to opposite party Nos. 2 & 3.

On the other hand, learned counsel for opposite party Nos. 2 and 3 has defended the impugned order on the ground that there are oral evidences available on the record and moreover the documents which have been challenged by the petitioner are public documents and authenticity of the same has not been challenged before any competent court. Further he has drawn my attention towards Ext.7 and submitted that the same is a compromise petition filed before the Gram Katchari in which signature of the petitioner as well as the opposite party is there and authenticity of the same has not been challenged by the petitioner and apart from that Ext.6 is order-sheet of Gram Katchari and before Gram Katchari the petitioner has accepted the opposite party No.2 as his wife and as such there is no illegality and impropriety in the impugned order.

Having heard both sides and on consideration of the materials available on the record it appears that Ext.6 is the order-



sheet of Gram Katchari and it is a public document and so far Ext.7 is concerned, the same is a compromise petition filed by both the petitioner and opposite party No.2 and petitioner has not denied the same and besides that there are some other documents produced which are public documents and authenticity of the same has not been challenged by the petitioner before any competent court of jurisdiction. Further Ext.7 disclosed that petitioner has admitted in compromise petition that opposite party No.2 is his wife.

Considering the above facts and circumstances, I find no merit in this application. Hence, it is dismissed.

As there is submission that no maintenance amount has been paid up till now, opposite party Nos. 2 and 3 are at liberty to move before the Family Court for realisation of the amount through process of the court, who will pass an appropriate order.

(Vinod Kumar Sinha, J)

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