

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.234 of 2018**

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

Md. Akthar Son of Late Yusuf, Resident of Village- Gungaria Basti, P.S.- Islampur, District- North Dinajpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Ayasha Khatoon, wife of Md. Akthar, Resident of New Basti Munjarna Basti Islampur, District- Dinapur. At Present- Resident of Village- Murdiya Basti Ratanpur, P.S.- Pahar Katta, District- Kishanganj.

... .. Respondent/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Petitioner/s | : | Mr. Din Bandhu Mishra     |
| For the Respondent/s | : | Mr. Smt. Indu Bala Pandey |

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL JUDGMENT**

**Date : 17-02-2020**

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks to set aside the order dated 13.10.2017 passed by the Court of Principal Judge, Family Court, Kishanganj in Maintenance Case No. 369/2014 whereby the learned court had directed the petitioner to pay rupees two thousand (Rs. 2000/-) per month and further ordered to pay amount from date of filing of the case. All dues amount shall be paid in twenty installments from month of date of order.

Learned counsel for the petitioner submits that there being no valid proof of marriage, the O.P. No. 2 is not entitled to maintenance as has been held by the Court. Learned



counsel for the petitioner further submits that the order impugned is purely mechanical and there being no clear-cut finding regarding the marriage, the learned Court had erred in passing the order and directed the petitioner to pay rupees two thousand per month from the date of filing of the case.

Learned counsel for the opposite party who has appeared after notice submits that in a proceeding under Section 125 Cr. P.C., strict proof is not required to be furnished. It is only the determination of the facts of the case and there being sufficient material on record, particularly, the evidence which was led by the present petitioner of the witness who had prepared the notary certificate and read over the same to the petitioner, which goes to indicate that actually the marriage had taken place. Moreover, the photograph also indicates that the marriage had been solemnized before the Notary/Court as has been stated by the opposite party No. 2. He thus submits that the factum of marriage having been sufficiently proved in a proceeding under Section 125 Cr. P.C., the opposite party No. 2 being the married wife of the petitioner is fully entitled to the maintenance as has been held by the court below. He thus submits that there is no anomaly in the order and the revision may be dismissed.



Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the opposite party No. 2 and after perusing the depositions as well as the impugned order, I find that there is no illegality in the same.

The revision application stands dismissed.

**(Anjana Mishra, J)**

Saif/-

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