

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.70 of 2019**

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

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Md. Arif @ Mister S/o Ayub Resident of Village Bardenga, P.S.- Jokihat,  
District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nuzhat Wife of Md. Arif @ Mister, Daughter of Md. Kasim Resident of  
Village- Bardenga, P.S.- Jokihat (Mahalgaon), District- Araria.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Jagdhar Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      12-09-2022                      No one appears for the petitioner. Mr. Jagdhar Prasad,  
  
learned APP for the State is present.

This writ petition application has been filed for setting  
aside the impugned judgment passed by the learned Principal  
Judge, Family Court, Araria under Section 125 Cr.P.C. The learned  
Principal Judge has directed the petitioner to pay the maintenance  
allowance of Rs. 3000/- to his wife who is opposite party no. 2 in  
the present case.

On perusal of the impugned judgment, it appears that in  
the learned court below both the parties had adduced their  
respective evidences. The applicant-wife deposed that her  
marriage was solemnized with this petitioner on 04.01.2015 and  
she went to her matrimonial house but after some time she was



thrown out of her matrimonial home due to non-fulfillment of demand of dowry. In this regard, a complaint case bearing no. 37 of 2018 has also been filed in the learned court below. She has deposed that she had no independent source of income, her life has become miserable whereas her husband earns Rs. 40,000/- per month from all the sources.

On the other hand, the husband-petitioner adduced evidences showing that at the time of marriage he was only 15 years old, a false *Nikahnama* was prepared and his signature was forcibly taken on that *Nikahnama*. The learned Principal Judge, Family Court found that the petitioner had earlier moved this Hon'ble Court in Criminal Miscellaneous no. 1031 of 2017 but the same was dismissed. From the evidences available on the record, the learned court below found that there was no cogent material on the record to prove the stand taken on behalf of the husband. He in fact himself accepted his signature on *Nikahnama*.

The learned court below has, thus awarded the maintenance allowance of Rs. 3000/-. In absence of learned counsel for the petitioner, this court has perused the pleadings available in the revision application as well as the grounds taken herein. This Court finds that the petitioner does not deny that Criminal Miscellaneous no. 1031 of 2017 filed in connection with Jokihat PS. Case no. 267 of 2016 was dismissed. The petitioner



has only reiterated his stand taken before the learned Principal Judge, Family Court, Araria.

In the entire pleadings and the grounds raised therein, there is no whisper that any of the findings recorded by the learned court below is incorrect or is not born out of the records.

In the facts and circumstances and the materials present before this court, this court finds no reason to interfere with the impugned judgment. The revision application is dismissed.

If the petitioner has not paid the maintenance in terms of the impugned judgments for all these years, while executing the same the learned Principal Judge, Family Court, Araria shall realize an additional sum of Rs. 25,000/- payable as cost by the petitioner to the opposite party no. 2.

Let the entire arrears of maintenance and the current maintenance be recovered with the cost as mentioned above as expeditiously as possible.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

