

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.852 of 2018

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

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NILESH KUMAR @ NILESH KUMAR MANDAL S/o Shri Hulash Mandal,
R/o Vill.- Dhakiya, Ward No. 12, Primary School, Dhakiya, Paik Tola, P.S.-
Araria, District- Araria-854325, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Chanda Devi D/o Shri Ghanshyam Mandal, R/o Vill.- Dhakiya, P.S.- Araria,
District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Sri Ramchandra Sahani, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 13-12-2023 It is ascertained from the record that marriage of Nilesh Kumar @ Nilesh Kumar Mandal, the petitioner herein was solemnized with one Chanda Devi when both of them were minors. After marriage, the wife of Nilesh Kumar lodged a complaint under Sections 498A/323 of the Indian Penal Code. Since the petitioner was minor, the trial of the said case was conducted by the Juvenile Justice Board and he was acquitted. After attainment of marriageable age, the opposite party no.2 has been given marriage with one Rahul Mandal and she is now residing with the said Rahul Mandal as his wife.

2. The instant Revision is filed against an order dated 23.4.2018 directing the petitioner to pay maintenance in



favour of the opposite party no.2/wife.

3. It is contended by the learned Advocate for the petitioner that the petitioner is under no obligation to pay maintenance because the opposite party no.2 has already re-marriage. It is also submitted by him that the opposite party no.2 is not willing to appear before this court because of her re-marriage with another person namely, Rahul Mandal.

4. Considering such aspect of the matter and in view of the fact that after re-marriage, the opposite party no.2 is not entitled to get any maintenance, the impugned order dated 23.4.2018 passed by the learned Principal Judge, Family Court Araria in Maintenance Case No. 213 of 2016 is set aside.

5. The instant Criminal Revision is accordingly allowed.

(Bibek Chaudhuri, J)

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