

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13352 of 2017

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

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Jainendra Kumar @ Jainendra Prasad Gupta Son of Late Chandradev Prasad Gupta, Resident of Village- Siriya Khurd, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Priyanka Devi, Wife of Jainendra Prasad Gupta, Resident of Village- Siriya Khurd, P.S.- Adapur, District- East champaran, currently residing at Village- Dalpat Vishunpur, P.S.- Dhaka, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-09-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

This application is filed for quashing the order dated 23.07.2016 passed by Principal Judge, Family Court, East Champaran at Motihari, passed in maintenance case no. 183/2014 whereby and where under the learned Principal Judge, East Champaran at Motihari, was pleased to order ad-interim maintenance of Rs. 10,000/- in favour of opposite party no. 2 which shall be payable to her since 27.06.2014 and Rs. 12,000/- as cost of litigation and the entire Maintenance Case.

The learned counsel for the petitioner has relied upon the statement made in Paragraph 9 and 12 of the petition which



is as follows :-

9. That a few months after the wedding, the Opposite Party No. 2 withdrew herself from the society of the Petitioner and fled away to her paternal house with one Alok Kumar alias Ganesh, said to be the cousin of the Opposite Party No. 2.

12. That smelling rats, the petitioner became cautious and on 21.07.2012, the Petitioner caught the Opposite Party no. 2 and Alok Kumar alias Ganesh in an objectionable condition. The Petitioner immediately informed his in-laws and asked them to come but they did not pay heed to the requests of the Petitioner.

The Principal Judge, Family Court, East Champaran Motihari is directed to dispose of the maintenance Case No. 183 of 2014 without insisting for payment of interim maintenance.

With the final order he may pass the order of maintenance if he finds that the case is made out by the petitioner is false.

The Principal Judge, Family Court, Motihari is directed to decide the maintenance case no. 183 of 2014 within three months of communication/production of the order in the Court below.

Let the order be communicated to District Judge, Motihari through Fax and E-mail forthwith for its compliance.

(Sandeep Kumar, J)

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