

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.853 of 2017

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

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Ranjeet Bishwas Son of Nathu Lal Bishwas, R/o Village- Baigna, P.S.-
Mahalgaon (Jokihat), District- Araria. Petitioner/s

Versus

1. The State Of Bihar
2. Binita Devi @ Binti Devi W/o Ranjit Bishwas, D/o Laxmi Narayan Bishwas
, R/o Pauthia, P.S.- Jalalgarh, District- Purnea.
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Sri Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 26-04-2023

Learned counsel for the petitioner and learned
counsel for the State are present.

The present criminal revision application has been
filed against the order dated 24.06.2017 passed by Principal
Judge, Family Court, Purnea in Maintenance Case No. 296 of
2012 by which ad-interim maintenance of Rs.3500/- has been
fixed and directed to be paid on 10th of every next month in the
bank account of the opposite party with effect from June, 2017.

Counsel for the petitioner submits that this order is
illegal and need correction due to the reason that the petitioner
has filed a petition for restitution of conjugal right bearing
Matrimonial Suit No. 205/2012 for calling the O.P. No.2 in
which O.P. No.2 has refused to come and live with the
petitioner, as such in the light of Section 125(4) of Cr.P.C. the
petitioner is not entitled to pay any maintenance under Section

125 of the Cr.P.C.

Counsel for the State submits that this question has been tested by the Principal Judge, Family Court and in the said application O.P. No.2 has stated that due to the torture done on the part of the petitioner, she is not interested to live.

In this background, the provisions under Section 125(4) of the Cr.P.C. is not attracted in favour of the petitioner as O.P. No.2 is not living with the petitioner and for that she has a reasonable excuse.

In this view of the matter, I am not inclined to interfere in this case and this criminal revision application is hereby **dismissed**.

The Principal Judge, Family Court, Purnea is directed to execute the order relating to payment of maintenance in the light of **Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar & Ors.** reported in **2023 (1) PLJR 756**.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	