

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56914 of 2017

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

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Ramjee Sah son of Late Jadu Sah, Resident of Village- Sugauli Nayka Tola,
P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rita Devi, wife of Ramjee Sah, Resident of Village- Sugauli Nayka Tola,
P.S.- Sugauli, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned counsel for the petitioner seeks
quashing of the order dated 04.11.2016 passed by the learned
Principal Judge, Family Court, Motihari, East Champaran,
whereby the petitioner has been directed to pay an interim
maintenance of Rs.1000/- per month by 15th day of every
succeeding month with effect from November, 2016 and further
an amount of Rs.2000/- was directed to be paid towards the cost
of litigation in Maintenance Case No.479/2011.

3. The learned counsel for the petitioner submits that
petitioner is not entitled to give any interim maintenance to the



O.P. No.2 for the reason that she is not the wife of the petitioner rather petitioner is married to one Indu Devi in the year 2001 and out of the wedlock a child was born, who is aged about 8 years when the present application was filed in the year 2017. It is further submitted that the O.P. No.2 in her application seeking maintenance under section 125 Cr.P.C. has stated that she was married to petitioner about 11 years back but then she has a daughter, aged about 18 years and a son aged about 15 years, it is thus submitted that if the marriage was only 11 years old, how come the son and the daughter of O.P. No.2 are 18 years and 15 years of the age, which amply demonstrates that the petitioner never married the O.P. No.2.

4. Be that as it may, the court for the present is not inclined to entertain the quashing application.

5. The present quashing application is hereby rejected. However, the learned Principal Judge, Family Court is directed to expedite the maintenance case and decide the issue finally.

(Satyavrat Verma, J)

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