

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.114 of 2021**

Arising Out of PS. Case No.- Year-0 Thana- District- Sheikhpura

Mamta Kumari Wife of Rajeev Kumar, Daughter of Sri Arjun Tanti, Resident of Village-Narayanpur, Police Station-Barbigha, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajeev Kumar S/o Putul Ram Resident of Village-Murarur, Post Office-Katari, Police Station-Korma, District-Sheikhpura.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Respondent/s : Mr. Yogendra Kumar Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

5      07-04-2023                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The present Cr. Revision Application has been filed for setting-aside the order dated 28.04.2020 passed by Principal Judge, Family Court, Sheikhpura in Case No. 36(M) of 2019 under Section 125 of Cr.P.C., in which, it was held by the court that petitioner is not entitled to get maintenance from opposite party No. 2.

Learned counsel for the petitioner submits that the said non-maintainability of petition under Section 125 of Cr.P.C. has been held on the ground that the petitioner is not wife of opposite party No.2.



Learned counsel for the State submits that when the existence of marriage itself is in question, then the petitioner must have to file an application so that her marriage shall be established firstly then only the question of maintenance arises.

In this view of the matter, the present Cr. Revision Application stands dismissed with liberty that she may raise her grievances before the appropriate forum at first to establish her marriage, then to move for maintenance.

With this observation, the present Cr. Revision Application stands dismissed.

**(Dr. Anshuman, J.)**

ritik/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

