

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.669 of 2019

In

CRIMINAL MISCELLANEOUS No.45274 of 2016

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Rajesh Kumar Yadav, Son of Baleshwar Prasad Yadav, Resident of Village-
Kadhaiya Bharna, Police Station- Sour Bazar, District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Babita Devi, Daughter of Late Jhakas Rajak, Resident of Village- Kadhaiya,
Tola- Rahimpur Bharna, Police Station- Sour Bazar, District- Saharsa.
3. Puja Kumari, Minor Daughter of Babita Devi (Mother) under legal
guardianship of her mother Babita Devi. Resident of Village- Kadhaiya,
Tola- Rahimpur Bharna, Police Station- Sour Bazar, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Uday Chand Prasad, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Pramod Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-02-2023

The appellant/husband has challenged the order dated 22.08.2016 passed in Misc. Case No. 14 of 2008 in a petition under Section 125 of the Code of Criminal Procedure directing him to pay to the opposite party a total amount of Rs. 3500/- (Rs. 2500/- for the wife/Babita Devi and Rs. 1000/- for the daughter Puja Kumari).

Mr. N.K. Agarwal, learned senior Advocate for the appellant has submitted that after the spouses started



living separately, the respondent no.2 has filed six different cases of rape and other offences under the Indian Penal Code against different persons and, in all such cases, she has given the reference of her husband as a different person and not the appellant.

Since these aspects were never brought to the notice of the Family Court while the petition was finally being decided under Section 125 of the Cr.P.C., we are not inclined to entertain the appeal on such score.

The appeal is dismissed but with a liberty to the appellant to approach the Family Court under Section 127 of the Cr.P.C. for the needful.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2023
Transmission Date	

