

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.162 of 2019

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

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RANJEET KUMAR Son of Ramesh Yadav Resident of Village- Sajhauli,
P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Vinita Devi Daughter of Nand Kishore Yadav Resident of Village- Siswa,
P.S.- Gogri, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Adv.,
Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. Anita Kumari Singh(App161)

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 24-01-2024 Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. The instant revision is directed against an order dated 3rd December, 2018, passed in Maintenance Case No. 60M of 2014, directing the petitioner herein to pay maintenance allowance @ Rs.15,000/- per month from the date of filing of the complaint in favour of the opposite party no. 2.

3. In the proceeding under Section 125 of the Cr.P.C., the petitioner specifically pleaded that no marriage was solemnized between the petitioner and the opposite party no. 2, in accordance with Hindu rites and ceremony. Practically, he was kidnapped sometimes in July, 2010 by the father and other



relatives of the opposite party no.2 and he was forced to marry with opposite party no.2. However, he did not marry her, no consent of the petitioner was obtained in the said marriage.

4. The opposite party no. 2 filed a case under Section 498A of the I.P.C. against the petitioner before the local Police Station and after investigation Police submitted final report in the said case on the ground that marriage between the parties has not been established.

5. Learned Advocate for the petitioner rightly submits that the trial court did not consider the said fact. The trial court relied upon the evidence of opposite party no.2 only and granted the order of maintenance.

6. I have perused the impugned order and materials on record. Though, this Court is not unmindful to note that in a proceeding under Section 125 of the Cr.P.C., strict proof of marriage is not necessary, but where the husband comes up with a case that there was no marriage between the parties and the said fact shall established on investigation of a case under Section 498A of the I.P.C. filed by the opposite party no.2, the said piece of evidence ought to have been considered by the trial Judge. For none consideration of such evidence, this Court finds that the impugned order is bad in law and liable to be set aside.



7. Accordingly, the impugned order dated 3rd December, 2018, passed in Maintenance Case No. 60M of 2014 is quashed and set aside.

8. The instant revision is allowed.

9. The trial Judge is directed to re-hear the learned counsels appearing on behalf of the parties and write down a fresh Judgment upon consideration of the evidenced on record, already adduced by the parties.

(Bibek Chaudhuri, J)

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