

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 115 of 2024

Arising Out of PS. Case No.-98 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Indu Bhushan Kumar Son of Jagdish Chaudhary Resident of Mohalla-
Mallahchak, Near Pani Tanki, P.S-Jahanabad, Distt-Jahanabad, Bihar.
Presently at Reliance Green Township, Sector-09, 165 E, P.S.-City C
Division, Distt.-Jamnagar, Gujarat-361142

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari Wife of Indu Bhushan Kumar, D/O Rambriksh Chaudhary
Resident of Chaudhary Nagar Par Nawada, P.S.-Nawada, Distt.-Nawada,
Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Somesh Kumar, Advocate
For the Respondent/s : Mr Pranav Kumar, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 30-07-2024

Heard learned counsel for the parties.

2 This revision petition has been preferred by the petitioner being aggrieved with the order dated 09.11.2023 passed by the learned Principal Judge, Family Court, Nawada in Maintenance Case No 98 of 2021 whereby the application submitted by the petitioner under Section 125 (4) of Cr P C has been rejected.

3 Undisputedly, Opposite Party No 2 is the legally wedded wife of the petitioner.



4 After filing the application for maintenance,by Opposite Party No 2, an application has been filed by the petitioner under Section 125 (4) of Cr P C on the ground that Opposite Party No 2-wife is residing separately without any reasonable cause. Therefore, her maintenance petition filed under Section 125 of Cr P C is not maintainable.

5 The objection made by the petitioner in his application submitted under Section 125 (4) of Cr P C is purely a matter of evidence which has to be proved before the Principal Judge, Family Court at the time of recording of the evidence of the parties. Petitioner has the opportunity to establish this fact before the learned Principal Judge, Family Court at the time of recording of evidence of the parties. Therefore, the learned Principal Judge, Family Court has rightly rejected the application of the petitioner filed under Section 125 (4) of the Cr P C.

6 I do not find any irregularity/illegality in the order passed by the learned Principal Judge, Family Court. Accordingly, this revision petition is dismissed.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2024
Transmission Date	01.08.2024

