

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 23 of 2019

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

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Puniya Devi Bijendra Prasad @ Bhola Prasad Vill-Dhana Dihuri Tola, P.S-Paras Bigha, Distt.-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bijendra Prasad @ Bhola Prasad Late Lekhraj Prasad Vill-Dhana Dihuri Tola, P.S-Paras Bigha, Distt.-Jehanabad.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 02-08-2024

This petition has been preferred by the petitioner being aggrieved with the judgment dated 30.08.2018 passed by the learned Principal Judge, Family Court, Jehanabad in Maintenance Case No 51 of 2015 whereby and whereunder the learned Principal Judge, Family Court rejected the application of the petitioner filed under Section 125 of the Cr P C on the ground that she has not been able to establish the fact that she is the legally wedded wife of opposite party No 2.

2 Heard learned counsel for the petitioner. Gone through the impugned judgment passed by the learned Principal Judge, Family Court and other materials available on record.



3 Perusal of the impugned order shows that the petitioner herein, claiming herself the wife of opposite party No 2, filed the application under Section 125 of the Cr P C in the year, 2015. In the said application filed under Section 125 of the Cr P C, it was pleaded by the petitioner that her marriage was solemnized with opposite party No 2 prior to 21 years of submission of said application meaning thereby 21 years prior to 2015, i e, in the year, 1994.

4 Before the learned Principal Judge, Family Court, opposite party No 2 pleaded that petitioner is not his legally wedded wife nor their marriage was solemnized as stated by the petitioner rather Sheela Devi is his legally wedded wife and their marriage was solemnized in the year, 1985 and out of their wedlock, two children, one boy and one girl also born and at the time of submission of show cause reply, the age of the girl was 10 years.

5 Before the learned Principal Judge, Family Court, petitioner and her witnesses admitted the fact that there is no documentary evidence available which shows that petitioner is the legally wedded wife of opposite party No 2. Brother of the petitioner himself admitted the fact that petitioner never resided in her matrimonial house along with opposite party No 2. He further



admitted the fact that opposite party No 2 had also not come in his house at any time.

6 Contrary to that the witnesses of opposite party No 2 categorically stated that Sheela Devi is the legally wedded wife of opposite party No 2 and their marriage was solemnized in the year, 1985. Undisputedly, with the relationship with Sheela Devi, two children also born. Before the learned Principal Judge, Family Court, opposite party No 2 submitted a sale deed, i e, Exhibit A which was executed by one Baldeo Prasad in favour of Sheela Devi on 26.02.1988. In the said sale deed, opposite party No 2 is mentioned as husband of Sheela Devi which shows that prior to 1988, marriage of opposite party No 2 and Sheela Devi was solemnized. As pleaded by the petitioner, her marriage was solemnized with opposite party No 2 prior to 21 years from the submission of maintenance application, i e, 2015 meaning thereby their marriage was solemnized, if so, in the year, 1994. Prior to that, opposite party No 2 already got married with Sheela Devi in the year, 1985.

7 Therefore, the learned Principal Judge, Family Court, on these grounds, rightly rejected the claim of the petitioner on the ground that the petitioner is unable to establish the fact that she is the legally wedded wife of opposite party No 2.



8 I do not find any infirmity or illegality in the order passed by the learned Principal Judge, Family Court.

9 Accordingly, this revision petition is liable to be and is hereby dismissed, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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