

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1317 of 2019**

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

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BRAHMDEV YADAV Son of Jaykishun Yadav Resident of Village- Chandour,
P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Chandrakala Devi @ Chandrika Devi Wife of Brahmdev Yadav Resident of Village- Chandour, P.S.- Sour Bazar, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Respondent/s: Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

4 08-07-2024

Heard on admission.

2.The present revision application has been preferred by the petitioner being aggrieved with the order dated 29.08.2019 passed by the learned Principal Judge, Family Court, Saharsa in Miscellaneous Case No. 231 of 2011, whereby the application filed under Section 125 Cr.P.C. by the respondent No.2 has been allowed and the petitioner has been directed to pay monthly maintenance of Rs. 4,000/- to the respondent No.2, who is the wife of the petitioner.

3. Heard learned counsel for the petitioner and perused the impugned order and also gone through the documents annexed with the petition.



4. On perusal of the record, it appears that the present revision petition has been filed only on the ground that while deciding the application filed by the respondent No.2-wife, the learned Family Court did not consider the fact that the respondent No.2 is not the legally wedded wife of the petitioner and also not consider the fact that Phool Kumari is also not the legitimate child of the petitioner and passed the order of maintenance without considering the aforesaid factual aspects.

5. Bare perusal of the impugned order reveals that though the petitioner in his written statement taken the above plea, however, he himself not examined in order to establish the aforesaid facts before the learned Family Court. The Family Court on the basis of above and taking note of the fact that in exhibit P-1, which a sale deed, a joint photograph of the petitioner as well as respondent No.2 was annexed and in the said sale deed, the name of the petitioner is mentioned as husband of respondent No.2. The Family Court also considered the fact that in a certificate, which is exhibit-X/1, name of the petitioner is mentioned as father of Phool Kumari.

6. Considering the above evidence available on



record, learned Family Court rightly arrived at a conclusion that the respondent No.2 is the legally wedded wife of the petitioner and Phool Kumari is the legitimate child of the petitioner. The aforesaid finding recorded by the learned Family Court in the impugned order is not perverse nor contrary to the record. Thus, I do not find any force in the argument raised by the counsel for the petitioner.

7. Resultantly, the revision petition is dismissed being devoid of merit at this stage itself.

(Arvind Singh Chandel , J)

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