

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1283 of 2019

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

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ATIUR RAHMAN Son of Azizur Rahman Resident of Village - Hata, P.S.-
Mirganj, Distt - Siwan.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sahnaz Khatoon Wife of Md. Atiur Rahman, D/o Md. Jalil Resident of
Village - Husepur Nand, P.S.- Basantpur, Distt - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Anil Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 02-02-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as opposite

party no.2.

2. The instant revision is directed against an order
dated 29.07.2019 passed in Maintenance Case No.30 of 2013 by
the learned Principal Judge, Family Court, Siwan directing the
petitioner to pay maintenance at the rate of Rs.4,000/- per month
from 26.02.2015 being the date of appearance of the opposite
party/petitioner herein in the Trial Court.

3. Against the said order dated 29.07.2019 the
petitioner has filed the instant revision, during the pendency of
the revision it is urged on behalf of the petitioner that the



opposite party no.2/wife has contracted a second marriage and she is not entitled to get any maintenance. A co-ordinate Bench of this Hon'ble Court after recording the said fact directed the Superintendent of Police, Siwan to inquire into the matter as to whether the opposite party no.2 married for the second time to one Mohd. Alamgir and had been living with him. The Superintendent of Police, Siwan submitted a report which was brought on record by the co-ordinate Bench vide order dated 18.10.2022 where-from it appears that the opposite party no.2 has married to one Alamgir and she is living with him since the year 2017.

4. The learned advocate for the petitioner submits that in view of the second marriage, the opposite party no.2 is not entitled to get any maintenance. It is also submitted by the learned advocate for the petitioner that the parties belong to Mohammedan faith and after second marriage the estranged wife of the petitioner is not entitled to any maintenance. This Court admits the submission made by the learned advocate for the petitioner with certain reservation.

5. The Trial Court granted maintenance to be paid by the petitioner to his wife from 26.02.2015. The opposite party no.2 contracted second marriage on 12.06.2017 so from



26.02.2015 to 11.06.2017, the opposite party no.2 is entitled to maintenance.

6. The learned advocate for the petitioner has not disputed about the financial capability etc. of the petitioner with regard to payment of maintenance allowance. Thus, the instant revision is disposed of directing the petitioner that the petitioner has no obligation to pay maintenance to the opposite party no.2 from the date of her second marriage but he is under obligation to pay arrear maintenance from 26.02.2015 to 11.06.2017.

7. With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J)

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