

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.141 of 2023

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

Dr. Mohammad Mohibuddin Ansari S/o Late Maqbool Ansari R/o Mohalla-
Abir Mishra Lane, Champanagar, P.S.- Nathnagar, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sagufta D/o Dr. Mohammad Mohiuddin Ansari R/o Mohalla- Abir Mishra Lane, Champanagar, P.S.- Nathnagar, Distt- Bhagalpur.
3. Shahin D/o Dr. Mohammad Mohiudin Ansari R/o Mohalla- Abir Mishra Lane, Champanagar, P.S.- Nathnagar, Distt- Bhagalpur.
4. Newjee @ Shaania D/o Dr. Mohammad Mohiuddin Ansari R/o Mohalla- Abir Mishra Lane, Champanagar, P.S.- Nathnagar, Distt- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar Sinha, Advocate Mr. Braj Nandan Kumar Tiwary, Advocate
For the State	:	Mr. Sunil Kumar Pandey, Advocate
For the O.P. No.2	:	Mr. Rajiv Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 22-01-2025 The petitioner is the first husband of one Fahima Khatoon. The opposite parties No. 2, 3 & 4 claimed to be the daughter of petitioner and Fahima Khatoon through their marriage. Thus, the opposite parties No.2, 3 & 4 claimed that the petitioner is their biological father. They prayed for maintenance against the petitioner under the provision of Section 125 of the Cr.P.C.

2. By passing the impugned order, the learned Principal Judge, Family Court, Bhagalpur granted interim maintenance on 23.09.2022 directing the petitioner to pay



interim allowance of Rs.4,000/- each in favour of the opposite parties No.3 & 4, total being Rs.8,000/-.

3. The petitioner being aggrieved against the said order has approached this Court in revision.

4. It is submitted on behalf of the petitioner that the opposite party No.4 is not the daughter through the petitioner as the marriage of the petitioner and the mother of opposite party Nos.2, 3 & 4, namely, Fahima Khatoon was dissolved in the year 2002.

5. The petitioner has filed an School Certificate in the name of the opposite party No.4 to proof that in admission register, her date of birth was stated to be 09.10.2006. Therefore, the opposite party No.4 was not borne in the wedlock between the petitioner and the said Fahima Khatoon, so the petitioner is not entitled to pay any maintenance allowance to the opposite party No.4-Fahima Khatoon.

6. Having heard the learned Advocate for the petitioner and on perusal of the materials on record, this Court records at the outset that an application for interim maintenance is disposed of not on the basis of evidence but on the basis of affidavits sworn by the parties. In Maintenance Case No.10 of 2020, the opposite parties prayed interim maintenance pleading



inter-alia that the petitioner is their father and he is under obligation to maintain them. The petitioner on the other hand, has denied paternity of the third child (opposite party No.4 herein) before the Trial Court.

7. The Trial Court on consideration of an order passed in Misc. Case No.64 of 2004 dated 25.01.2007 prima-facie found that the opposite parties No.3 & 4 were born in the wedlock between the petitioner and Fahima Khatoon. Therefore, at this stage, the petitioner is an under obligation to maintain the opposite party Nos.3 & 4.

8. The order of maintenance may be modified on the basis of the evidence during the final hearing of Maintenance Case No.10 of 2020.

9. At this stage, I do not find any reason to interfere with the order passed by the Trial Court as there is no illegality or material irregularity in the impugned order.

10. Accordingly, the instant criminal revision is dismissed on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

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