

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67722 of 2019

Nitu Sinha Wife Of Awdhesh Kumar Sinha Resident Of Ward No. 26, Anand Nagar, Newa Lal Chowk, P.S. Maranga , District - Purnea, Presently Daughter Of Vimal Mishra, Resident Of Mogalia Purandaha, Banmankhi, P.S.- Dhamdaha, District- Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Awdhesh Kumar Sinha Son Of Late Jai Prakash Pd. Ward No. 26, Anand Nagar, Newa Lal Chowk, Purnea, Permanent Resident Of Village- Paniapar, P.O.- Tevarwai Via Biharsharif, P.S.- Biharsarif, District- Nalanda, Local Address - Nayatola, C/O Sarojjee, P.O.- Purnea, P.S.- K. Hat, District- Purnia.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Shama Sinha, Advocate Mr. Vijayansh Pratap Singh, Advocate Mr. Surya Prakash, Advocate
For the Opposite Party/s :		Mr. Tarkeshwar Nath Thakur
For the O.P. No. 2	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-01-2026 Heard the learned counsel for the petitioner, learned APP for the State and the learned counsel for the O.P. No. 2.

2. This application has been filed for quashing the order dated 12.06.2019 passed in Maintenance Case No. 175 of 2013 by the learned Principal Judge, Family Court, Purnia by which the petition filed under Section 125 Cr.P.C. with the prayer for grant of Rs. 10,000/- per month as maintenance for herself and her daughter was rejected.

3. The brief facts of the case are that the petitioner, who has a daughter from her previous marriage, was living as a



single woman after her first husband went missing. The O.P. No. 2 proposed marriage to the petitioner's father, promising to accept the petitioner and her daughter as his family. The petitioner and her father accepted the proposal from O.P. No. 2. Subsequently, the petitioner married to O.P. No. 2 on 03.11.2010 at the Puran Devi Temple in Purnia. The O.P. No. 2 is a government employee working as a clerk in the Health Department. However, O.P. No. 2 concealed the fact that he was already married and his first wife was still alive. Following the marriage, the petitioner, along with her daughter, Sakshi Priya, moved to Naya Tolla, Purnia, where they lived together as husband and wife for more than two years.

4. The learned counsel for the Petitioner submits that upon discovering the existence of first wife of O.P. No. 2 and his family, the petitioner raised objections. Subsequently, in the first week of February 2012, O.P. No. 2 started torturing the petitioner and in response, the petitioner filed a complaint case (Case No. 2094/12) under Sections 498-A, 323, 379, and 504 of the Indian Penal Code before the learned Chief Judicial Magistrate, Purnia. She further submits that with the intervention of well-wishers, the matter was eventually compromised based on an undertaking given by O.P. No. 2.



5. The learned counsel for the petitioner further submits that after a few months, O.P. No. 2 again started harassing the petitioner and stopped giving any financial support to her and their daughter. Therefore, the petitioner filed a maintenance case under Section 125 of the Cr.P.C, bearing Maintenance Case No. 175 of 2013. She further submits that the O.P. No. 2 appeared in the maintenance case and claimed that he was already married and had children from his first marriage. He denied his marriage with the petitioner.

6. The learned counsel for the petitioner further submits that the petitioner submitted documentary evidence to prove her marriage with O.P. No. 2, filing two applications to mark those documents as exhibits and have them read as evidence. It is further submitted that O.P. No. 2 also filed documents to show that the petitioner had been married before. Both the petitioner and O.P. No. 2 examined their witnesses.

7. The learned counsel for the petitioner in support of her submissions has relied upon a judgment of the Hon'ble Supreme Court passed in the case of ***Chanmuniya Vs Virendra Kumar Singh Kushwaha & Anr, 2011 (1) SCC 141.***

8. The learned counsel for the State and the learned counsel for the O.P. No. 2 have opposed the application of the



petitioner.

9. I have considered the submissions of the parties and have gone through the records of the case.

10. The Hon'ble Supreme Court in the case of *Chanmuniya (Supra)* has held that construing the term 'wife' broad and expansive interpretation should be given to term 'wife' to include even those cases where a man and woman have been living together as husband and wife for a reasonably long period of time, strict of proof of marriage should not be a pre-condition for maintenance.

11. In view of the aforesaid, the application stands allowed. Accordingly, the order dated 12.06.2019 passed in Maintenance Case No. 175 of 2013 by the learned Principal Judge, Family Court, Purnia is hereby set aside.

12. The matter is remanded to the Principal Judge, Family Court, Purnia for fresh consideration in accordance with law and in view of the law laid down by the Hon'ble Supreme Court in the case of *Chanmuniya (Supra)*. The Court below shall pass a fresh order after hearing both the parties in accordance with law.

13. The O.P. No. 2 is directed to pay interim



maintenance of Rs. 10,000/- per month to the petitioner until the final disposal of the case filed under Section 125 of the Cr.P.C by the petitioner.

(Sandeep Kumar, J)

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