

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14082 of 2016

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Rahul Kumar, Son of Sri Saryug Thakur, Resident of Village- Mithapura,
P.S. Ramna District Muzaffarpur, Bihar 840002.

.... Petitioner

Versus

1. The State of Bihar.
2. Dipika Kumari @ Dipika Devi, Wife of Rahul Kumar daughter of
Bideshi Thakur, resident of Mohalla Chandwaras, Nabab Road, P.O.
Ramana P.S. Mithanpura, District Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate.
For the Opposite Parties : Mr. R.P.S Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-08-2016 Heard both sides.

The petitioner has filed this petition for quashing the order dated 12.02.2013, by which the Principal Judge, Family Court, Muzaffarpur directed the petitioner-husband to pay Rs. 4,000/- per month as ad interim maintenance to the wife.

Dipika Kumari @ Dipika Devi filed petition under Section 125 of the Cr.P.C. on 06.02.2008 for grant of maintenance of Rs. 3,000/- per month. The wife adduced evidence and on the basis of which the learned Principal Judge, Family Court, Muzaffarpur vide order dated 12.02.2013 directed the husband to pay a sum of Rs.4,000/- per month as ad interim maintenance to his wife.

Learned counsel for the petitioner submits that the petitioner is working as daily wages employee in daily newspaper Dainik Jagran. It is further submitted that the petitioner is ready to pay Rs. 2,000/- per month as ad interim maintenance to his wife.

On the other hand, learned counsel for the wife Opposite Party No. 2 has submitted that the petitioner runs a Kirana Shop and Flour Mill and he has got good income.

It appears that the wife has not stated anywhere that what is the exact income of her husband. She said that her husband runs Mahavir Kirana Shop and Flour Mill. There is no definite evidence about the income of the husband. In that view of the matter, the husband has agreed to pay Rs. 2,000/- per month as ad interim maintenance to his wife appears to be reasonable.

Considering the facts aforesaid, the order dated 12.02.2013 is modified to the extent above and the petitioner is directed to pay Rs. 2,000/- per month as ad interim maintenance to his wife from 06.02.2008.

Accordingly, this petition is disposed of.

(Prabhat Kumar Jha, J.)

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