

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23368 of 2016

=====

LAKHPAT KUMAR SINGH @ LAKHPAT SINGH s/o Gautam Singh,
r/m – Fatehpur Saraya, p.s.-Manjhi, Distt – Saran (Chapra), Bihar
..... Petitioner/s

Versus

1. The State of Bihar
2. Nitu Singh, w/o Lakhpat Kumar Singh, d/o Krishna Prasad, r/m –
Bishnupur, P.S. – Jalalpur, Distt – Saran (Chapra)
..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjayu Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md.Arif (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-08-2016 Heard both sides.

The petitioner filed this petition under Section 482 of the Cr.P.C for quashing the order dated 28.03.2016 passed by the learned Principal Judge, Family Court, Saran at Chapra in maintenance case no. 82/2015 by which the petitioner was directed to pay a sum of Rs. 4,000/- as ad-interim maintenance to the wife opposite party no. 2.

The wife of the petitioner filed a petition under Section 125 Cr.P.C. and also filed a petition for ad-interim maintenance stating therein that the petitioner is the husband and he is working in C.R.P.F. He is getting salary of Rs. 28,000/- per month besides, he has got income of Rs. 1,00,000/- p.a. from the agricultural source. The petitioner filed rejoinder. Petitioner stated that he is

not getting salary of Rs. 28,000/- p.m., nor has any income from agriculture.

The principal Judge, having considered the material on record ordered for payment of Rs. 4,000/- p.m. to the wife for her maintenance as ad-interim.

Learned counsel for the petitioner submitted that opposite party no. 2 is not the wife of the petitioner. She has got extra-marital relation with someone else. The learned counsel further submitted that Annexure-3 are the letters written by opposite party no. 2 to someone else in which she expressed her love and that is why she is not entitled to get any ad-interim maintenance.

I don't find any merit in the submission of the learned counsel for the petitioner as on perusal of records it appears that the petitioner filed his rejoinder to the petition of opposite party for her ad-interim maintenance, but the petitioner did not deny his relation with opposite party no. 2 as husband and wife. Petitioner is a Constable in the Central para-military force, but petitioner did not produce his pay statement although the wife has stated that the petitioner is getting salary of Rs. 28,000/- p.m., besides, agriculture income. On the facts, I find that Rs. 4,000/- p.m. as ad-interim maintenance to the wife is very just and reasonable and the

order impugned does not require any interference. Accordingly,
this petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--

