

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.585 of 2015

Arising Out of PS. Case No.- Year- Thana- District- Katihar

=====

Dilip Kumar Mandal @ Dilip Mandal. Son of Baldeo Mandal, resident of Village- Baida, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
 2. Poonam Devi Wife of Dilip Mandal D/O. Baijnath Mandal.
 3. Prem Lata Kumari D/O. Dilip Mandal.
 4. Vishal Kumar Son of Dilip Mandal.
 5. Chhoti Kumari D/O. Dilip Mandal.
- O.P. No. 2 to 5 are resident of Village- Madhepura, P.S.- Mufassil, District- Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad
		Mr. Mukesh Kumar Jha
For the Respondent/s	:	Mr. C. JAWAHAR(APP)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

1 03-08-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State of Bihar.

Certain facts are not in dispute. The petitioner is the husband of Opposite Party No. 2 and father of Opposite Party Nos. 3, 4 and 5, who are minors.

In a proceeding under Section 125 of the Code of Criminal Procedure, 1973, learned Additional Principal Judge, Family Court, Katihar, by an order, dated 23.06.2015, passed in Maintenance Case No. 20 of 2012, has allowed them monthly



maintenance allowance at the rate of Rs. 4,000/- (Rs. 1,000/- to each of the Opposite Party Nos. 2 to 5).

Learned Counsel appearing on behalf of the petitioner, while assailing the impugned order, has submitted that Opposite Party No. 2 herself deserted the petitioner and she has never been willing to stay with him. He has also submitted that the amount, which has been awarded by the learned Court below, as monthly maintenance allowance, is excessive as compared to the petitioner's source of income.

I do not find any merit in the submission advanced on behalf of the petitioner. The petitioner is hale and hearty. The direction by the learned Court below, in that circumstance, to pay a sum of Rs. 4,000/- for maintenance of four persons can, by no stretch of imagination, be termed as excessive. The quantum of monthly maintenance allowance, in my view, is on the lower side.

I do not find any merit in the present application. This application is accordingly dismissed.

It is, however, indicated that either of the parties shall have liberty to approach the learned Court below for alteration in the allowance, as envisaged under Section 127 of the Code of Criminal Procedure, 1973, in changed



circumstance.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

U	v	T	v
---	---	---	---

