

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1080 of 2014

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1. Manish Kumar Jha Son of Sri Kamla Kant Jha Resident of Village -
Anhari, Police Station - Riga, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sonu Devi Wife of Manish Kumar Jha and daughter of Sri Dinesh
Jha resident of Village - Narsama, P.S. - Riga, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhanu Pratap Singh

For the Respondent/s : Mr. Bharat Bhushan (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 01-03-2017

Heard learned counsel for the parties.

2. The Opposite party No.2 is admittedly wife of the petitioner. By an order dated 06.09.2014 passed by the learned Principal Judge, Family Court, Sitamarhi in Miscellaneous Case No. 116 of 2007, monthly maintenance allowance at the rate of Rs. 3,000/- per month has been ordered to be paid to Opposite party No.2, in exercise of power under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the **Code**). The petitioner is aggrieved by the said order, dated 06.09.2014 in the present criminal revision application.

3. The petitioner, it seems had attempted to question the very existence of his marriage with Opposite party No.2, which has been disbelieved by the learned



Principal Judge, Family Court, Sitamarhi. I do not find any reason to have a different view than what has been taken by the learned Principal Judge, Family Court on the question of matrimonial relationship of the petitioner and Opposite party No.2.

4. I further find from the impugned order that the income of the petitioner has been found to be adequate for payment of Rs. 3,000/- per month for maintenance to Opposite party No.2.

5. Upon perusal of the impugned order, I am of the view that fixation of the said amount of Rs. 3,000/- can by no means said to be excessive.

6. I do not find any merit in this application. This application is, accordingly, dismissed.

7. It is, however, observed that Opposite party No.2 shall be at liberty to apply for alteration of the maintenance amount by invoking Section 127 of the **Code**.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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