

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1 of 2015

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Rajiv Ranjan Rai @ Rajiv Ranjan, son of Sri Jagdish Rai, resident of village-Dharmagatpur Bathua, PS-Pusa, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi wife of Rajiv Ranjan Rai @ Pappu, resident of village-Dharmagatpur Bathua, PS-Pusa, District-Samastipur at present residing at Daughter of Birchand Rai, resident of village-Salempur Duraria, PS-Goraul, OP-Katahara, District-Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate

For the Respondent/s : Mr. Ganesh Prasad Singh, APP
Mr. Rajeev Ranjan Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 18-07-2017 The petitioner is aggrieved by the judgment and order dated 22.10.2014 passed by the learned Principal Judge, Family Court, Vaishali at Hazipur by which the petitioner has been asked to pay to the opposite party no. 2 a sum of Rs. 6,000/- per month as maintenance allowance under section 125 of the Criminal Procedure Code.

The relationship of the petitioner and the opposite party no.2 is husband and wife is not in dispute.

From the order, I find that the Court below, upon consideration of evidence of the parties and all materials on record, reached the conclusion that a sum of Rs. 6,000/- per month as maintenance allowance would be appropriate for maintenance



of the opposite party no. 2.

Opposite party no. 2 was claiming much higher amount on the ground that the petitioner is having a big Kirana shop in a local market. The said plea has not been accepted by the Court below since opposite party no. 2 could not lay any evidence to this effect. The amount of monthly maintenance allowance, in my view, does not appear to be disproportionate or excessive from any perspective.

Learned counsel for the petitioner has drawn my attention to an order of this Court passed in bail application filed by the petitioner, whereby the petitioner was directed to pay a sum of Rs.1,500/- per month as maintenance allowance. It is the case of the petitioner that he has been paying the said amount as directed by this Court, which has been noted in the impugned order also. It is the case of the petitioner that if the order of the Court is allowed to operate, the petitioner will have to pay the said sum of Rs. 6,000/-per month as maintenance allowance and amount of Rs. 1,500/- as directed by this Court on petitioner's bail application.

His apprehension has no basis. The sum of Rs.1,500/- has been directed to be paid by the petitioner on his bail application as condition for his release of bail. The same will



certainly be adjusted against the amount of maintenance allowance as awarded by the Court below.

This application is disposed of with an observation that opposite party no. 2 shall be entitled for maintenance allowance at the rate of Rs. 6,000/- per month from the date of order of the Court below and the amount of Rs. 1,500/- per month which the petitioner is said to have paid, shall be adjusted against the said amount of Rs. 6,000/-, from the date of order.

(Chakradhari Sharan Singh, J)

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