

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.700 of 2016**

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Raj Kumar Sahni, Son of Ram Bilash Sahni, Resident of village Gita  
Deodha P.S. Hasanpur District Samastipur

.... .... Petitioner/s

Versus

1. State of Bihar
2. Mala Devi, wife of Raj Kumar Sahni Daughter Guran Sahni resident of  
village Gita Deodha P. S. Hasanpur District Samastipur at present  
residing at village Sasan P. S. Hasanpur District Samastipur

**Appearance :**

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Respondent/s : Mr. Dr. Indivar Kumari

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

3      09-02-2017                      Though this application has been placed under the heading "Orders" with the defects as pointed out by the Registry, considering the nature of dispute involved, after having ignored the defects as pointed out by the Registry, I consider it appropriate to dispose of the application on merits after hearing the learned counsel for the petitioner.

2. The petitioner is the husband of Opposite party No.2. By an order, dated 08.04.2016 passed by the learned Principal Judge, Family Court, Samastipur in Maintenance Case No. 128 of 2015, he has been asked to pay monthly maintenance allowance at the rate of Rs.2,000/- per month, under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the **Code**).

3. Learned counsel appearing on behalf of the petitioner has attempted to convince me that since the



petitioner is an agriculture labour, he is not in a position to pay a sum of Rs. 2000/- per month to Opposite party No.2. He has submitted that the amount, which has been asked to be paid by the petitioner as monthly maintenance allowance is excessive.

4. There is no dispute over relationship of the petitioner with Opposite party No.2. It transpires that the petitioner had been working in a Firm at Delhi earlier and now he is doing some work in the village. It emerges from the order impugned that Opposite party No.2 is living with her two children. In such circumstance, fixation of amount of Rs.2,000/- per month as monthly allowance to Opposite party No.2 under Section 125 of the Code cannot be said to be unjustified.

5. This application has no merit and it is, accordingly, dismissed.

**(Chakradhari Sharan Singh, J)**

ArunKumar/-

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