

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9783 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Md. Irfan Anshari @ Irfan Anshari, Son Of Bhola Ansari, Resident Of Village -
Turhapatti, Police Station - Chanpatiya, (O.P. Sirisiya), District -West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Bismillah Khatoon, Wife of Md. Irfan Anshari and Daughter of Shahadat Anshari, Resident Of Village Turhapatti, Police Station - Chanpatiya, District - West Champaran, Presently Residing At Village - Rai Dhurwa, Police Station - Manuapul, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.7, Adv.

For the Opposite Party no.1 : Mr. J. Upadhayay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the petitioner and learned APP for the
State. No one appears for the opposite party no.2.

Petitioner is aggrieved by the order dated 13.11.2013 passed by
learned Principal Judge, Family Court, Bettiah, West Champaran in Maintenance
Case No.213 of 2012 by which the learned Principal Judge has allowed an interim
maintenance of Rs.3500/- per month.

Learned counsel for the petitioner submits that the petitioner has
no regular source of income. He is a person belonging to below poverty line and
these aspects have not been considered by the learned Principal Judge.

On the other hand, learned APP for the State submits that
nowadays even a daily wage earner gets Rs.400/- per month and by no stretch of
imagination a sum of Rs.3500/- per month is said to be excessive.



In the facts of the present case, I am of the view that the impugned order does not suffer from any illegality or infirmity. No ground could be made out to interfere with the same.

The application is, accordingly, dismissed.

Since the maintenance case is pending since the year 2012, it is expected that the learned Principal Judge, Family Court, Bettiah, West Champaran shall take up the same on priority basis and shall dispose of the same on its own merit within a period of six months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.11.2017
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