

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.924 of 2014

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Md. Shakoor, son of Md. Soyeb Ali, resident of village Saifulla, Police
Station Mahalgoan, District Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nuresha, wife of Md. Shakoor, resident of village Saifulla, Police
Station Mahalgoan, District Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the State : Ms. Sharda Kumari (App)
For O. P. No. 2 : Mr. Bijendra Kumar Singh

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

3 03-03-2017 Heard learned Counsel for the parties
concerned.

By order, dated 22.07.2014, passed in
Maintenance Case No. 129 of 2008, a sum of Rs. 3,000/-
per month has been allowed as maintenance allowance by
learned Principal Judge, Family Court, Purnea, in favour of
Opposite Party No. 2, in exercise of power under Section
125 of the Code of Criminal Procedure, 1973.

The petitioner is the husband of the Opposite
Party No. 2, which fact is not in dispute.

Learned Counsel for the petitioner has
submitted that the petitioner is a simple labour and he is
not in a position to pay an amount of Rs. 3,000/- per



month to Opposite Party No. 2 as maintenance allowance.

What I find from the impugned order that the petitioner did not turn up for examination before the learned Court below to disclose his actual income. The plea that the petitioner has no sufficient income, therefore, cannot be accepted.

In any view, the monthly maintenance allowance at the rate of Rs. 3,000/- cannot be said to be on the higher side.

This application has no merit and is accordingly dismissed.

It is further observed that the Opposite Party No. 2 shall be at liberty to apply for enhancement of maintenance allowance by making an application under Section 127 of the Code of Criminal Procedure, 1973.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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