

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52007 of 2014

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Bhutkun Sah @ Bhutkun Gond, son of late Nathu Sah, resident of village-
Bhagwanpur, P.S.- Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Durgwati Devi, wife of Bhutkun Sah, D/o Jiwan Sah, resident of village- Shital Chauraha, P.S.- Kateya, Distt.- Gopalganj.
3. Neha Kumari (Minor), son of Bhutkun Sah, Care of guardian Durgawati Devi, resident of village- Shital Chauraha, P.S.- Kateya, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Shrivastwa

For the Opposite Party/s : Mr. Reena Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 05-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks quashing of order dated 20.02.2013
passed by the Principal Judge, Family Court, Gopalganj in Cr.
Miscellaneous No. 191 of 2011 whereby interim maintenance
amount of Rs. 2000/- to his wife and Rs. 1000/- to minor daughter
has been directed to be paid by the petitioner since the date of
filing of the maintenance application.

Learned counsel for the petitioner submits that
petitioner is a poor man living below the poverty line so, he is
unable to pay Rs. 3000/- per month.

Impugned order itself reflects that maintenance was



filed by the wife of the petitioner in the year 2011, petitioner appeared and filed written statement thereafter not appearing before the court and intentionally evading appearance after passing the order. Section 125 Cr.P.C. envisages disposal of the interim maintenance application within 60 days from the date of service of notice to the person concerned. It is also surprising that approximately for last more than five years, not a single penny as maintenance has been paid by the husband/petitioner to his wife. The court had directed only to pay Rs. 2000/- per month as interim maintenance to wife and Rs. 1000/- to minor daughter, which is not very exorbitant amount. A husband has moral as well as legal obligation to maintain his wife and minor children. So this application stands dismissed and the Family Court is directed to take all steps to realize the interim maintenance amount and ensure the payment to the wife and her daughter.

(Arun Kumar, J)

Sujit/-

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