

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1034 of 2014

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1. Rakesh Kumar Jha S/o Sri Yadunandan Jha Resident of Village Manikpur, P.S. Tarapur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Jha D/o Daya Nand Jha at present residing at Gidhaur, P.S. Gidhour, District Jamui.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Adv, Mr. Sarveshwar Tiwary,
Adv and Mr. Pranav Kumar Jha, Adv

For the Respondent/s : Mr. Satyavrat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 28-02-2017

By order dated 03.09.2014, the learned Principal Judge, Family Court, Jamui in Maintenance Case No. 150(M) of 2012 has allowed monthly maintenance allowance of Rs. 7000/- per month, from the date of filing of the application, in favour of Opposite Party Nos. 1 and 2. There is no dispute that the Opposite Party No. 2 is the wife of the petitioner. Learned counsel for the petitioner has very fairly submitted that so far as quantum of the maintenance allowance is concerned, he does not have any objection to it for the present. He has, however, submitted that the Opposite party No. 2, has filed a criminal case making allegation of commission of offence punishable under Section 498A of the Indian Penal code. While



allowing the petitioner, privilege of anticipatory bail, in the said criminal case, the petitioner had agreed to pay monthly maintenance of Rs. 750 per month to the Opposite Party No. 2. The said order granting the petitioner anticipatory bail was passed on 26.08.2014. He has also submitted that in another proceeding, the petitioner has been directed to pay sum of Rs. 1500/- under the provisions of Domestic Violence Act. These two items have not been taken into consideration by the court below.

The order which has been passed by the court below allowing maintenance of Rs. 7000/- per month appears to be based on the capacity of the petitioner to pay, which doesn't require interference.

Learned counsel for the petitioner submits that he may be granted liberty to apply for alteration/modification of the impugned order, passed by the court below, only to the effect that the amount which the petitioner has been directed to pay under the Domestic Violence Act and as condition for grant of anticipatory bail be adjusted or taken into account for fixing the quantum of monthly allowance.

The liberty is granted. This application is disposed of with the liberty as sought for.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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