

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1023 of 2016**

Arising Out of PS. Case No.- Year-1111 Thana- District-

Jayant Kumar Singh Son of Madhusudan Prasad Singh, Resident of Village-  
Bariyarpur, P.S. Rajapakar, District- Vaishali.

... .. Petitioner

Versus

1. State Of Bihar
2. Vijay Laxmi @ Nitu Singh, D/O Anjani Kumar Singh, Resident of Village-  
Koeriya, P.S. Pipra, District- Sitamarhi.

... .. Opposite Parties

**Appearance :**

|                      |   |                                       |
|----------------------|---|---------------------------------------|
| For the Petitioner/s | : | Mr.                                   |
| For the State        | : | Md.Fahimuddin, APP                    |
| For the O.P. No.2    | : | Mr. Surendra Kishore Thakur, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

- 3      14-11-2022                      No one appears for the petitioner but this Court has  
  
been assisted by Mr. Surendra Kishore Thakur, learned counsel  
  
for O.P. no. 2.

This revision application has been preferred for  
setting aside the judgment dated 31.08.2016 in Misc. Case no.  
16 of 2011 by the Learned Principal Judge, Family Court,  
Sitamarhi has been pleased to allow a maintenance amount of  
Rs. 3,000/- per month in favour of the applicant- wife and  
accordingly a direction has been issued to the petitioner to pay  
the same.

From the narrations present in the impugned  
judgment, it appears that this petitioner had file a divorce case  
against the applicant- wife being Divorce case no. 104 of 2009



in the court of the learned Principal Judge, Family Court, Hajipur which was allowed vide judgment dated 08.09.2015. This judgment was exhibited in the learned court below as Exhibit-A, but the Learned Principal Judge has not perused the said judgment otherwise it could have been easily noticed by him that while allowing the divorce suit, the court had considered the question of payment of permanent alimony and a sum of Rs. 2,00,000/- was awarded to the applicant- wife who was opposite party in the said case as permanent alimony. The petitioner was directed to pay the said amount within three months.

Learned counsel for O.P. No.2 admits that the petitioner had paid Rs. 2,00,000/- to O.P. No. 2 in compliance of the judgment of the Learned Principal Judge in Divorce suit no. 104 of 2009.

This Court finds on perusal of the impugned judgment that there is no consideration of the effect of the payment of permanent alimony to the opposite party in the Divorce suit. In all fairness, equity and justice, the learned Principal Judge, Family Court, Sitamarhi was obliged to look into Exhibit- A and only upon giving a proper consideration to Exhibit-A which mentions the amount of permanent alimony, any decision on the



application under Section 125 Cr.P.C. could have been taken.

To this Court, thus, it appears that the impugned judgment suffers from non-consideration of the materials available on the record. This Court, therefore, sets aside the impugned judgment and remit the matter back to the learned Principal Judge, Family Court, Sitamarhi for a fresh consideration in accordance with law.

This application stands allowed to the extent indicated hereinabove.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

