

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.579 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Bhagalpur

Sanjiv Kumar Singh @ Sanjeev Kumar, Son of Shivnandan Singh Resident
of Village - Nayagaon, P.S. - Bath in the District- of Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar
2. Premlata Devi @ Godawari @ Godawan Wife of Sanjiv Kumar Singh, D/O-
Late Arun Kumar Roy Resident of Village - Bank, P.S.- Chandan in the
District of Banka

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy, Advocate
For the Respondent/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioner and Mr.
Chandra Sen Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking setting-aside
of the impugned judgment by which the learned Principal Judge,
Family Court, Banka has directed the petitioner to pay a
monthly maintenance of Rs. 4000/- to the applicant-wife.

Learned counsel for the petitioner has assailed the
impugned judgment alleging that the learned court below could
not appreciate that the applicant-wife was suffering from mental
illness and by concealment of this fact the marriage was
solemnized. It is further submitted that the petitioner is a daily
wager and in course of his evidence he has stated that he has got



one bighas of land and earns Rs. 250/- per day from wages.

Learned A.P.P. for the State has opposed the application. It is submitted that undisputedly the petitioner and opposite party no. 2 were married to each other in the year 1999 in accordance with Hindu Rights and Customs. The case of the applicant-wife is that she was tortured in her Sasural by her husband and his family members and finally on 22.11.2013 the husband and his family members conspired with each other and left the applicant-wife at the bank of Chandan river. It is submitted that the applicant-wife has no independent source of income whereas the petitioner has got 4 -5 bighas of cultivable land and he earns Rs. 15-20 thousand per month from the contract work.

Having heard learned counsel for the petitioner and learned counsel for the State as also on perusal of the materials available on the record, this Court finds that the applicant as well as the opposite party in the court below led their respective evidences. The applicant has specifically alleged that she was being tortured by her husband. In her cross-examination, she has denied the suggestion that prior to her marriage she had any mental illness or that she had been treated at Ranchi Mental Hospital. She has rather stated that after marriage she was



treated at Ranchi Mental Hospital. As regards the income of her husband, she has stated that her husband is engaged in contract work and has got 4-5 bighas of land.

This Court finds that the learned court below has awarded only a meagre sum of Rs. 4000/- per month to the applicant-wife. In the present days pandemic condition and price index of the country even with this amount it is very difficult to survive. This Court has further finds that in the present days when daily wager earns at least Rs. 400/- per day and the conduct of the petitioner in not placing the details of all his movable and immovable property and source of income on the record which has been noticed by the learned court below would be such that this Court is not willing to interfere with the impugned judgment.

This application is, thus, dismissed.

Since the petitioner has not paid the amount awarded under the impugned judgment for over 3½ years even as there is no order of stay, this Court finds that he has frustrated the very object of the provision of Section 125 Cr.P.C. which has been brought in the statute book to provide some succor to the neglected women. This Court, therefore, imposes a cost of Rs. 25,000/- (Rupees Twenty Five Thousand) upon the petitioner



which would be payable with the arrears of maintenance. The learned Principal Judge, Family Court, Banka shall fix the reasonable installments for payment of arrears of maintenance, however, the petitioner shall continue to pay the current maintenance.

The petitioner will, however, be at liberty to file an application in the court of learned Principal Judge, Family Court, Banka seeking adjustability of the amount which he is paying by virtue of the order of this Court in Cr. Misc. No. 31133/2014 (Annexure '3') which he claims to be paid.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

