

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.879 of 2018**

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

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Jamshed Ansari S/o Sirajuddin Ansari, R/o Vill.- Chilhamari Momin Basti,  
P.S.- Pothia, District- Kishanganj.

... .. Petitioner

Versus

1. State Of Bihar
2. Reshma Begum W/o Jamshed Ansari D/o Najir Husain , R/o Vill.-  
Bhihamari Momin Basti, P.S.- Pothia, District- Kishanganj.

... .. Opposite Parties

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**Appearance :**

|                        |   |                                 |
|------------------------|---|---------------------------------|
| For the Petitioner/s   | : | Mr.Amal Kumar Sinha             |
| For the State          | : | Mr.Sri Jitendra Kumar Singh     |
| For the Opposite Party | : | Mr. Ram Prawesh Kumar, Advocate |

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

5      13-07-2022

**I.A. No. 2191 of 2018**

This interlocutory application has been filed seeking  
condonation of delay of about eleven and half months in filing  
of the present criminal revision application.

For the reasons stated in the application, this Court  
deems it just and proper to condone the delay.

The I.A. No. 2191 of 2018 stands disposed of  
accordingly.

By the impugned judgment and order dated  
06.05.2017, the learned Principal Judge, Family Court,  
Kishanganj in Maintenance Case No. 81 of 2016 has allowed a  
maintenance amount of Rs. 3,000/- per month to the applicant-  
wife and Rs.2,000/- per month to the minor son of the applicant.



The petitioner is not paying a single farthing to the opposite parties. The revision application has been filed on the solitary ground that the petitioner is a labourer and has no agricultural earning.

Learned counsel for the petitioner submits that considering that the petitioner is a labourer, the maintenance allowance fixed to the O.P. No. 2 and her minor son is an exaggerated one and the same needs to be modified.

On the other hand, learned counsel for the applicant-wife who is O.P. No. 2 and her minor son submits that the petitioner has cultivable land of about 7 bighas besides having a tailoring shop at Pune in the State of Maharashtra and his monthly income is not less than about Rs.25,000/- per month. This was the income disclosed in the year 2017. It is submitted that the applicant-wife has supported her case by producing herself and two witnesses in the learned court below. She has submitted that the petitioner had earlier committed rape on her and she was carrying pregnancy whereafter under social pressure he performed Nikkah with the Opposite Party no. 2 but thereafter did not take care of her.

It is submitted that the petitioner escaped the penal action for his alleged act by playing tricks with the opposite



party no. 2. The husband who is the petitioner before this Court did not appear for his evidence before the learned Family Court.

This Court finds on perusal of the materials on the record that there is no reason as to why this Court should interfere with the meager amount of maintenance awarded to opposite party no. 2 and her minor son. The conduct of the petitioner in not paying a single farthing to the opposite party no. 2 and her son despite there being an order in her favour for last 5 years is such that the petitioner is totally disentitled for any relief in the present revision application.

Let the Principal Judge, Family Court, Kishanganj enforce the judgment and order by which maintenance has been allowed to the Opposite party no. 2 and her minor son expeditiously.

This application stands disposed of accordingly.

**(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'.

