

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.1003 of 2018**

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

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Nand Kishore Rai @ Nand Kishore Nandan @ Nand Kishore Rai Nandan
Son of Upendra Rai, Resident of Village and P.O.- Mahisaur, P.S.- Jandaha,
District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi, Wife of Nand Kishore Rai Nandan, Daughter of Jagat Rai,
Resident of Village- Bakhari Barai, P.S.- Bakhri Supayan, P.S.- Rajapakar,
District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Respondent/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 15-07-2022 Heard learned counsel for the petitioner and Mr.
Abhay Kumar, learned APP for the State.

Petitioner in the present case is aggrieved by and
dissatisfied with the order dated 17.06.2017 passed by the
learned Principal Judge, Family Court, Vaishali at Hajipur in
Maintenance Case No.119 of 2011. This order has been passed
under Section 125 Cr.P.C.

A perusal of the impugned order would show that
after taking into consideration the evidences of the parties the
learned Family Court came to a conclusion that the applicant-
wife has been neglected by her husband who is opposite party



and because of that she is living in her *Naihar* for a long time. She was ousted from her matrimonial home. The Family Court has also found that a public distribution shop is of the father of the opposite party but the opposite is engaged in milk selling.

The learned Principal Judge has further found that from milk selling his monthly income would be at least Rs.10,000/- per month and from that he can easily provide Rs.3,000/- per month to his wife as maintenance.

It further appears that during evidence it came that the applicant-wife was getting Rs.2,000/- per month in the divorce case brought by the opposite party and Rs.1,000/- in criminal case by virtue of the order granting bail to the opposite party, therefore, the applicant-wife was already getting Rs.3,000/- by virtue of the two different orders passed in two different proceedings. Taking into consideration this aspect of the matter, the learned Principal Judge has awarded Rs.3,500/- per month to the petitioner for her monthly maintenance and this is the amount after deducting the amount which the opposite party has already paid.

In course of hearing, Mr. Nachiketa Jha, learned counsel for the petitioner has though assailed the impugned order on the ground that the learned Principal Judge has passed



the impugned order without assessing the real and fixed income of the petitioner and it is based on the submission of the applicant-wife alone.

This Court called upon learned counsel for the petitioner to show as to whether the two different orders by which the applicant-wife has been allowed a sum of Rs.2,000/- and Rs.1,000/- respectively are under challenge in any proceeding. Learned counsel submits that those two orders are not under challenge. This leads the Court to understand that in fact the learned Principal Judge has awarded Rs.3,500/- but the net effect of the same would be a mere paltry enhancement of Rs.500/- per month in addition to Rs.3,000/- which the applicant-wife was getting by virtue of two different orders.

This Court is of the considered opinion that there is no illegality or infirmity in the impugned order. The revision application has no merit. It is dismissed 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'.

