

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1139 of 2018

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

Subodh Bahardar Son of Mukhkhal Bahardar @ Mukhlal Bahardar, Resident of Village- Bhadeshwar Forbesganj, Police Station- Forbesganj, District- Araria.

... .. Petitioner

Versus

1. The State Of Bihar
2. Kiran Devi, Wife of Subodh Bahardar,
3. Rakesh Kumar, Son of Subodh Bahardar aged 9 years, Opposite party no.3 is son of Subodh Bahardar under the care & guardianship of his mother Kiran Devi, All resident of Village- Khaira Chanda Panchgachhiya, Police Station- Narpatganj, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate
For the Respondent/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-09-2022 On the last date, this Court had adjourned the matter to enable learned counsel for the petitioner to answer as to whether Annexure '2' which is said to be a *panchnama* was exhibited in the learned court below or any of the *Panchas* who have signed Annexure '2' has deposed on behalf of the petitioner in the learned court below.

Today, learned counsel for the petitioner informs that the *panchayati* had taken place after the judgment of the learned court below. This Court has perused Annexure '2' to the present application. It does not bear signature of the opposite party no. 2.



The petitioner is aggrieved by and dissatisfied with the judgment dated 25th day of July 2018 passed by learned Principal Judge, Family Court, Araria in Maintenance Case No. 160 of 2017 by which the learned court has directed the petitioner to pay a sum of Rs.3,000/- per month to the applicant-wife and Rs.2,000/- per month to his minor son till his obtaining the age of majority.

This Court finds from the impugned judgment that the applicant-wife had produced herself and three witnesses in support of her case. The husband who was opposite party in the learned court below also examined four witnesses. The learned Principal Judge has recorded a finding that the applicants are the legally wedded wife and child of the opposite party-husband who have been driven out from the matrimonial house. It is also recorded that the husband who is petitioner before this Court has got performed a second marriage with another lady. The wife and the minor child were living a neglected life. The court below has, therefore, allowed the maintenance as indicated hereinabove.

In course of argument, learned counsel for the petitioner submits that after the impugned judgment was passed, the petitioner has provided financial assistance to the opposite



party no. 2 and has got started a shop at her *maika*.

This Court, however, finds that it is a mere bald assertion at this stage and there is no pleading to that effect even in the revision application.

Considering the meager amount awarded by the learned court below, this Court is of the considered opinion that in the present condition where even an unskilled labourer earns at least Rs. 400/- per day, the petitioner is obliged to pay the consolidated amount of Rs. 5,000/- to his wife and his minor child to meet their expenses to some extent.

The impugned judgment does not require any interference.

This revision application is, thus, dismissed.

(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'.

