

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.625 of 2018

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

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Md. Afroz, S/o Md. Quasim, R/o Vill.- Mowbehat Kamali Tola, P.O.-
Mowbehat, P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar
2. Khairun Nishan, W/o Md. Afroz, R/o Vill.- Mowbehat Kamali Tola, P.O.-
Mowbehat, P.S.- Manigachhi, District- Darbhanga D/o Md. Mojibul at
present Vill.- Gaina, P.S.- Manigachhi, District- Darbhanga.
3. Md. Sarfaraz, S/o Md. Afroz
4. Sana Khatoon, D/o Md. Afroz, Under the Guardianship of applicant No. 1
both are living with mother in Vill.- Gaina, P.S.- Manigachhi, District-
Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is aggrieved by and dissatisfied with
the order dated 16.01.2018 passed in Maintenance Case No. 58
of 2016 by the learned Principal Judge, Family Court,
Darbhanga.

Although, learned counsel for the petitioner started his
argument with a submission that it is the opposite party no. 2
who is not willing to stay with the petitioner but learned counsel
could well to appreciate that such issue cannot be agitated in the



revisional court that too when no evidence to that effect has been led before the learned court below.

Learned counsel fairly submits that since the quantum of maintenance allowed to the opposite party nos. 2 to 4 is a meager sum which are Rs. 2000/- to the wife and Rs. 1000/- per month to the children, he has nothing to argue on the quantum of maintenance.

This Court has perused the impugned judgment passed by learned Presiding Officer, Family Court, Darbhanga. It appears from perusal thereof that the applicant no. 1 is the wife who had filed the maintenance case under Section 125 Cr.P.C. for herself and her two minor children. Three witnesses were produced in the learned court below and all have supported the averments made in the maintenance petition. They have stated that the petitioner had thrown his wife and the two minor children by ousting them from the matrimonial home due to non-fulfillment of the demand of dowry. The evidence has also come that the husband-petitioner refused to maintain his wife and two children in spite of having sufficient means of earning.

In the given facts and circumstances and the materials available on the record, this Court finds no reason to interfere with the impugned judgment.



The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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Issue notice to the opposite party no.2 through both by ordinary process as well as under registered cover with A/D for which requisites etc. must be filed within two weeks from today, failing which this application as against the concerned opposite party shall stand dismissed without further reference to a Bench.

