

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.763 of 2018

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

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Ajay Yadav @ Ajay Kumar Yadav Son of Lerahu Yadav, Resident of Village-
Bakhari Fulwari, P.S.- Kursakanta, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manju Devi, Wife of Ajay Yadav, Resident of Village- Bakhari Fulwari,
P.S.- Kursakanta, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.
For the Respondent/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-07-2022 Having heard learned counsel for the petitioner and

learned APP for the State as also on perusal of the records, this

Court finds that the learned Principal Judge, Family Court,

Araria has duly examined the evidences of the applicant-wife

and the husband who is petitioner before this Court. The

applicant-wife has deposed that she was married with the

present petitioner about nine years ago. Three children were

born out of the wedlock of both the parties. Later on the

opposite party had driven her out with her three children from

the matrimonial home. The allegation is of demand of dowry.

She claimed that her husband has 6 bighas of cultivable land

and deals with a business of purchasing and selling of cattle

from which he earns Rs.60,000/- per month.



The opposite party appeared himself as D.W.-2. He admitted the marriage and the birth of the children. He expressed his desire to keep his wife and children. On the point of earning, he claimed that he is a landless person and went outside of his village for earning wages.

The learned Principal Judge, Family Court has taken note of the evidences on the record and fixed a monthly maintenance allowance of Rs.3,000/- per month to the wife of the petitioner and Rs.1000/- to each of the three children.

Learned counsel for the petitioner though tried to impress upon the Court that the amount of maintenance is in higher side and it is required to be reduced, this Court is unable to find any illegality or infirmity much less any perversity in the impugned order.

In the present day's economic condition and the price index the amount of maintenance awarded to the wife and the children is rather in the lower side perhaps for the reason that the learned Principal Judge took into consideration the stand of the opposite party that he was earning wages outside the State. In the present days the wages of even an unskilled labour is something more than Rs.300/- per day, therefore if the three children and the wife of the petitioner can survive with a sum of



Rs.6,000/- only per month it is hard to believe that how the petitioner can claim that he would not sustain his livelihood with the equal amount left in his hand.

Considering this aspect of the matter, this Court finds no reason to interfere with the impugned order. This revision application is 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'.

