

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1109 of 2018

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

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Rambriksh Choudhary, S/o Kisun Choudhary, R/o Vill.- Sonway, P.S.-
Sirdalla, District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar
2. Sona Devi, W/o Rambriksh Choudhary, R/o Vill.- Sonway, P.S.- Sirdalla,
District- Nawada.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, 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 01-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is aggrieved by and dissatisfied with the judgment dated 23.07.2018 passed in Maintenance Case No. 67 of 2012 by learned Principal Judge, Family Court, Nawada whereby and whereunder he has partly allowed the petition filed by the opposite party no. 2 under Section 125 Cr.P.C. and directed the petitioner to pay a sum of Rs. 5,000/- per month to the opposite party no. 2 from the date of filing the case i.e. 28.06.2012.

On perusal of the impugned judgment it appears that the opposite party no. 2 is the legally wedded wife of the



petitioner. The petitioner claims that it was a child marriage but he admits that out of this wedlock two children were born and all are major at this time.

It further appears that this petitioner had entered into a second marriage during life time of his first wife and from the second marriage also he has got children. He was working as an employee in a Bank and in paragraph '15' of the impugned judgment it has come that he himself accepted his salary at Rs. 40,000/- per month. Opposite party no. 2 has further accepted that after his retirement he got a sum of Rs. 10,00,000/- as a retiral benefits.

Learned counsel for the petitioner submits that the opposite party no. 2 has got major son and she is also in possession of two and half bighas of land. It is not denied that this petitioner was a Bank employee, he has retired from service and has got retiral benefits as well.

Having regard to the materials on the record, this Court finds that the learned Principal Judge, Family Court, Nawada has allowed 125 Cr.P.C. application directing the petitioner to pay a sum of Rs. 5,000/- only to the opposite party no. 2.

In the given facts of the case, taking into



consideration the fact that the petitioner was a Bank employee and has got retiral benefits as well, by no stretch of imagination the maintenance amount may be said to be excessive. In the present day's economic condition and the price index of the country a sum of Rs. 5,000/- per month would be a meager amount. This Court would not interfere with the same.

This revision application stands disposed of accordingly.

Let the impugned judgment be implemented expeditiously.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

