

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.819 of 2018

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

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Pintu Karak @ Amit, S/o Raj Kumar Rajak, resident of Mohalla- Laheriganj,
Gandhi Chowk, Ward No. 01, P.S.- Madhubani Town, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. Lovely Jha, W/o Pintu Karak @ Amit, D/o Bhairav Nath Jha, R/o Laheriganj, Gandhi Chowk, Ward No. 01, P.S.-Madhubani Town, District-Madhubani, at present Belan bazaar, Nengali tola, P.O.-Munger, P.S.-Kasim Bazar, District-Munger.
3. Bittu Karak, D/o Pintu Karak @ Amit, under the guardianship of her mother Lovely Jha, R/o Laheriganj, Gandhi Chowk, Ward No. 01, P.S.-Madhubani Town, District-Madhubani, at present Belan bazaar, Nengali tola, P.O.-Munger, P.S.-Kasim Bazar, District-Munger.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Respondent/s : Mr.Yogendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-07-2022 Heard learned counsel for the petitioner and Mr. Yogendra
Kumar Singh, learned A.P.P. for the State.

Petitioner is aggrieved by and dissatisfied with the order dated 28.05.2018 passed by learned Principal Judge, Family Court, Munger in Matrimonial Case No. 17 of 2016 under Section 125 Cr.P.C. for her maintenance as well as maintenance of her daughter @ Rs. 12,000/- per month wehreby and whereunder the learned Principal Judge, Family Court, Munger has allowed the said maintenance case directing the petitioner petitioner to pay a sum of Rs. 10,000/- towards litigation cost as well as Rs. 9,000/- per month towards maintenance of opposite party no. 2 and Rs. 3,000/- per month towards maintenance of her daughter opposite party no. 3 total



Rs. 12,000/- per month since the date of filing of case i.e. 23.02.2016 and maintenance amount to daughter will be payable till her marriage.

Learned counsel for the petitioner submits that the Principal Judge, Family Court, Munger has fixed the amount of maintenance in higher side and it is required to be reduced keeping in view the income of the petitioner.

Learned counsel for the State submits that in paragraph '10' of the impugned judgment the learned court below has discussed the entire evidence on record and it would be evident that the amount allowed to the wife and the minor daughter of the petitioner cannot be in higher side.

This Court has perused the impugned judgment. It is not in dispute that the opposite party no. 2 is the legally wedded wife of the petitioner. It is also not in dispute that she has got any independent income to maintain herself. In the concluding paragraph '10' at page '7' of the impugned judgment, the learned court below has recorded the following findings:-

"In view of the aforesaid facts and circumstance of the case, it is established that petitioner is legally wedded wife of the Opposite-party and she has justified reason to leave separately because she was threatened to be killed by the Opposite-party. I further find that petitioner has no source of income whereas Opposite-party has himself admitted that his firm (of Kurkure) is not registered however, he runs this firm at other place and not in his house. He has also admitted that he has got share at Gandhi Chowk, Madhubani but



he cannot say its value. He has also admitted that he has also one house at Lahariyasarai. The land of this house is in his name. He has purchased this land 8-10 years ago. Opposite-party failed to prove that the petitioner has her own source of income, in absence of cogent and reliable evidence. Actually there is nothing to show that the petitioner has personal income sufficient to maintain herself. As such, being the situation petitioner cannot be left to lead vagrancy and she is entitled to maintenance because it is the duty of the OP to maintain his wife and daughter.”

Although the petitioner tried to assail the impugned judgment but could not come out of the findings recorded by the learned Principal Judge, Family Court, Munger.

In the circumstances, this Court finds no reason to interfere with the impugned judgment.

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'.

