

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.689 of 2018

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

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Sanjeev Singh, Son of Sri Ambika Singh, resident of Village- Khajwati, P.S.-
Magadh Medical, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Suman Devi, Wife of Sri Sanjeev Singh
3. Sanjana Kumari, daughter of Sri Sanjeev Singh. Both resident of Village
Tika Bigha P.S.- Bodh Gaya, Dist.- Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the State : Mr. Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-08-2022 Heard learned counsel for the petitioner and Mr.
Mithilesh Kumar Khare, learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside
of the judgment dated 19.03.2018 passed by learned Principal
Judge, Family Court, Gaya in Miscellaneous Case No. 89 of
2013. By the impugned judgment, the learned court below has
directed the petitioner to pay a sum of Rs. 3,000/- per month to
the applicant-wife and Rs. 4,000/- per month to the applicant no.
2 who happens to be the daughter of the petitioner.

Learned counsel for the petitioner submits that the
petitioner hardly earns Rs. 400/- per day by selling *Gupchup*. It
has, however, come in the impugned judgment that the applicant



no. 1 had taken a plea that the opposite party has solemnized his second marriage with another woman and a child is born from the second marriage. This is the reason why the applicants were unable to live with the present petitioner. It has further come in course of evidence that the father-in-law of the applicant no. 1 has his own separate house and there are eight rooms in the matrimonial house.

This Court finds from the impugned judgment that the learned court below has come to a conclusion that the petitioner is having sufficient means to maintain his wife and his minor daughter. The court below has, therefore, awarded the amount mentioned hereinabove. Even if the statement of learned counsel for the petitioner is assumed to be correct for purpose of this case, the income of the petitioner would be not less than Rs. 12,000/- per month. If the wife and minor daughter of the petitioner can sustain their livelihood with Rs. 7,000/- as has been awarded to them cumulatively by the learned court below, it is difficult to understand as to why the petitioner cannot sustain with a sum of Rs. 5,000/-. After all, his wife and the minor daughter are also entitled to live in the same status in which the petitioner is living.

For the reasons aforementioned, this Court is not



inclined to interfere with the impugned judgment.

This application is dismissed.

(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'.

