

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.133 of 2023**

Arising Out of PS. Case No.- Year-0 Thana- District- Saharsa

=====

Sonu Kumar Son of Jai Narayan Mishra R/o 69, Long Town Basti, BPM School, P.S.- Jamshedpur, District- Jamshedpur (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nidhi Kumari D/o Tirthdutt Jha and Wife of Sonu Kumar Presently residing at Village- Mahsihi, P.S.- Mahishi, District- Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Akash Raj, Adv.

For the Respondent/s : Mr. Rana Randhir Singh, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT**

Date : 22-03-2023

Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Revision has been filed against the judgment dated 17.10.2022 passed in Maintenance Suit No. 66 of 2019, by which, it was directed to pay Rs.10,000/- per month as a maintenance to the Opposite Party No.2 from October, 2022.

Learned counsel for the petitioner submits that the marriage of petitioner and Opposite Party No.2 was solemnized in complete violation of Section 5 of the Hindu Marriage Act. He further submits that prior to marriage some other girl was shown and marriage was solemnized with some other girl. It is

admitted that the marriage was solemnized on 22.06.2018. He further submits that one case has been filed under Section 125 of Cr.P.C. before Principal Judge, Family Court, Saharsa and another case for annulment of marriage has been filed by the petitioner before Family Court, Jamshedpur where the Opposite Party No. 2 is not appearing and this case is going for appearance and on the other hand in Maintenance Suit No. 66 of 2019, Rs.10,000/- per month has been passed for maintenance. Counsel submits that petitioner is working as a Constable in ITBP and there is huge responsibility upon the petitioner of his family and the amount of maintenance has been fixed at higher side as the salary of petitioner is Rs.35,000/-.

Learned counsel for the State opposes for the same and submits that the Court has rightly fixed maintenance as per the standard of living of petitioner and Rs.10,000/- per month is less than 1/3 amount of the salary of petitioner as accepted by him.

Learned counsel for the petitioner has not mentioned any point of legality, correctness and propriety in his pleading and filed this Cr. Revision on two grounds, firstly that marriage itself is in question and secondly the amount of maintenance has been fixed from higher side.

Upon going through the submissions, pleadings and records of the case, this Court is of the view that the petitioner is working as Constable in ITBP and his salary as accepted by him is near about Rs.35,000/- and the Court has fixed about 1/3 amount of his salary as maintenance, it is not exorbitant. So far as the case pending at Family Court, Jamshedpur relating to existence of marriage is concerned, it is still pending and if decree shall come in favour of petitioner relating to annulment of marriage, in that case petitioner has appropriate remedy to take recourse but at this juncture this Court is not inclined to interfere in the order.

Accordingly, the Cr. Revision is hereby dismissed and the order passed by Principal Judge, Family Court need not any interference.

(Dr. Anshuman, J.)

ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	