

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1179 of 2018

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

=====

Md. Zobir Alam @ Md. Zubair, S/o-Late Md. Taiyab Hussain, Resident of
Village- Islam Nagar, Idgah Tola, Ward No. 27, P.S. Araria, Distirct-Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rumi Khatoon W/o -Md. Zubair Alam @ Md. Zubair.
3. Shagufta Anjum D/o - Md. Zubair Alam @ Md. Zubair (Minor Daughter
Under the Guardianship of O.P. No. 2), O.P. No. 2 Resident of Village- Alam
Tola, Forbesganj, P.S. Forbesganj, District-Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the Respondent/s : Mr. Ramchandra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 12-12-2023 The instant revision petition is taken up for
admission.

2. I have heard learned Advocate for the petitioner
as well as the learned Additional Public Prosecutor for
State.

2. The learned Advocate for the petitioner submits
that the petitioner is the husband in a proceeding under
Section 125 of the Code of Criminal Procedure, filed by the
Opposite Party No. 2. The said proceeding was registered as
Maintenance Case No. 55 of 2017 in the court below of
learned Principal Judge, Family Court, Araria. The learned



Judge upon hearing and on consideration of evidence directed the Opposite Party/petitioner herein, to pay monthly maintenance allowance at the rate of Rs. 3000/- to Opposite Party No. 2/wife and Rs. 1,000/- to their child.

4. It is submitted by the learned Advocate for the petitioner that the petitioner is a daily-wage labourer. The learned Trial Judge assessed the quantum of maintenance to be paid by the petitioner in favour of Opposite Parties without assessing his income. He is not in a position to pay Rs. 4,000/- on account of maintenance to the Opposite Party Nos. 2 and 3. Therefore, he calls upon this Court to admit the instant revision.

5. The learned Additional Public Prosecutor, on the other hand, submits that considering the present day market price of bare minimum, the amount is not only meagre for the Opposite Party 2 to maintain herself and her child but also to cater day to day need.

6. From the materials on record, it is ascertained that the petitioner is a daily-wage labourer. There is no document to assess the monthly income of the petitioner. However, Opposite Party No. 2 being is wife and Opposite



Party No. 3 being their child, the petitioner is under legal and moral obligation to maintain them.

7. In the absence of any document with regard to the amount of income of the petitioner, this Court can safely assess his income on the basis of minimum wage, payable to a daily-wage labourer. Considering the minimum wage, the petitioner's income is assessed at Rs. 12,000/- per month.

8. The learned Principal Judge directed the petitioner to pay maintenance to the tune of Rs. 4,000/- for his wife and child. The amount being one-third of his assessed income, I do not find any illegality in the impugned order.

Accordingly, the instant revision petition is dismissed.

(Bibek Chaudhuri, J)

skm/-

U			
---	--	--	--

