

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.324 of 2016**

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

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Bhargav Bhardwaj S/o Shri Kant Jha Resident of Village- Behata PS Sonbarsa  
Raj Dist- Saharsa.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Guriaya Jha W/o Bhargav Bhardwaj, Daughter of Narendra Kumar@Raghvendra Jha Resident of Village- Surmaha Kishanpur O.P. Patarghat, PS Sour Bazar Dist Saharsa.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Chandra Mohan Jha |
| For the Respondent/s | : | Mr.Anant Kumar APP   |
|                      |   | Mr. Amarnath Jha     |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

10    24-02-2023                      Heard learned counsel for the parties.

This criminal revision application has been filed against order dated 24.02.2016 passed by learned Principal Judge, Family Court, Saharsa in Maintenance Case No. 42 of 2008 whereby and whereunder the learned Principal Judge has allowed the petition filed by opposite party No.2 under Section 125 Cr.P.C. and directed the petitioner to pay Rs. 5,000/- per month to opposite party no. 2, who is wife of petitioner, and her two minor sons as maintenance from the date of filing of maintenance case.

It is submitted by learned counsel for the petitioner that without assessing the income of the petitioner and



considering any documentary evidence placed by petitioner, the impugned order has been passed. It is further submitted that the learned court below failed to appreciate the fact that the marriage is not valid as per custom of Mathili Brahmin and all the witnesses, who have been examined on behalf of the petitioner, have stated that Chaturthi was not performed, therefore, the said marriage is not legal. At the time of marriage O.P. No.2 was pregnant and after four months of marriage she gave birth to twin child.

However, learned counsel for the O.P. No.2 opposed the prayer and submitted that after taking into consideration the entire facts and circumstances of the case the impugned order has been passed. It is submitted that after marriage Chaturthi was also performed and the marriage is complete. O.P. No.2 is legally wedded wife of the petitioner and after marriage she gave birth to twin child.

I have carefully perused the impugned order. The monthly maintenance allowance of Rs. 5,000/- per month to wife of petitioner and her two minor sons in the facts and circumstances of the case and in this age of high inflation and soaring prices of commodities it cannot be said to be on higher side. The findings recorded by the court below are



based on evidence.

I do not find any illegality or irregularity in the impugned order, which requires any interference by this Court.

Accordingly, this criminal revision application stands dismissed.

**(Prabhat Kumar Singh, J)**

BKS/-

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