

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.371 of 2017

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

Birendra Jha Son of Late Krishna Kant Jha, Resident of Village- Banda Tola
Jhajee Tol, P.S. Shahpur Patori, District- Samstipur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Archana Kumari @ Ful Devi, Wife of Birendra Jha Daughter of Sri Jai Magal Mishra, at present resident of Village Dafarpur, P.S. Nowkothi, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ratan Kumar, Advocate
For the Respondent/s	:	Mr. Satyadev Prasad Singh Yadav, Advocate
For the State	:	Mr. Naveen Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 10-02-2023 Heard learned counsel appearing on behalf of the parties.

The present criminal revision is being filed against the order dated 10.02.2017 passed by learned Principal Judge, Family Court, Begusarai in Maintenance Case No. 11(M) of 2010, which was filed by respondent no. 2, namely, Archana Kumari @ Ful Devi before the Principal Judge, Family Court, Begusarai after hearing the parties learned Court below allow the maintenance Rs. 2,000/- per month to respondent no. 2 and 1,000/- to her minor son, who is not a party in present



proceeding along with Rs. 500/- litigation cost on yearly basis.

Learned counsel Mr. Ratan Kumar Kunwar, while arguing over the matter raised a single issue that the maintenance amount as allowed by learned Family Court is appearing on higher side and is to be reduced to some extent to make it more comfortable to petitioner and to make the execution of the order effective at the ground.

It appears from the impugned order that the respondent no. 2 is legally wedded wife of the petitioner and this fact is admitted one. It further appears that petitioner also solemnized his second marriage during the lifetime of the respondent no. 2 without getting their marriage dissolved under due process of law, having sufficient reason to leave petitioner, by opposite party/wife. It also appears that petitioner failed to establish any independent source of income of respondent no. 2. It also appears that maintenance amount of Rs. 2,000/- per month to respondent no. 2/wife and Rs. 1,000/- per month to son is appearing very meager amount and as such, this Court find no reason to interfere on the ground of higher amount, as argued for the reason that same may frustrate the whole object of maintenance.

Accordingly, the learned Family Court, Begusarai



is directed to take all appropriate steps within the frame of law to recover all the arrears amount in terms of impugned order from petitioner/revisionist, within eight weeks of this order and to make it available to the opposite party either in cash or through given bank account of opposite party no. 2/wife.

Accordingly, the present criminal revision petition stands disposed of, being devoid of any merit.

(Chandra Shekhar Jha, J)

Archana/-

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