

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 716 of 2017

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

Arbind Kumar @ Arbind Kumar Yadav S/o Vishwanath Prasad Yadav
Resident of Village- Raunia, P.S. Barari, District- Katihar. Petitioner/s
Versus

Nitu Devi D/o Jay Prakash Yadav, W/o Arbind Kumar @ Arbind Kumar
Yadav Resident of Village- Raunia, P.S. Barari, District- Katihar. Presently
Residing at Village- Usri, P.S. Gogri, District – Katihar. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anshuman Jaipuriyar, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed this Cr. Revision application against the order dated 10.04.2017 passed by Principal Judge, Family Court, Khagaria passed in Maintenance Case No. 32 of 2011, by which the petitioner was directed to pay Rs. 3,000/- per month to the O.P. (wife).

Counsel for the petitioner submits that he petitioner's financial condition is poor and he is not able to pay the maintenance amount to the petitioner. On the question of correctness, legality and propriety counsel submits that he has come here to minimize the maintenance amount. Counsel submits that the petitioner is paying Rs. 13,00/- every month but not by virtue of order passed by the Principal Judge, Family Court, Khagaria rather by the virtue of order passed by this

Hon'ble Court, at the time of taking anticipatory bail. For the time order passed Family Court, petitioner has no respect to comply.

Counsel for the State submits that as per the basic minimum wage for MGNREGA norms, every person has capacity to work even as a labour for 110 working days. In case of no work, Government has to pay money directly into the account of the job card holder.

In this view of the matter, I am not inclined to intervene in the order passed by the Principal Judge, Family Court, Khagaria and hereby directing to the said Principal Judge that within 2 months if the petitioner shall not pay the arrear and current rate continuously, he shall issue process under form 18/19 of schedule 2, of the Cr.P.C, 1973. against the petitioner and realize the same in favour of O.P.

With the aforesaid direction, this Cr. Revision application is hereby dismissed.

(Dr. Anshuman, J.)

Ashishsingh/-

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