

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.64 of 2023

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

OMKAR NATH MISHRA Son of Late Rampati Mishra R/V- Bihiya Mathin
Mai Road, judge Bazar, P.S- Bihiya Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sonam Kumari Pandey Daughter of Dina Nath Pandey R/V- Awadhpur, Post
office- Dilarpur, P.s- Manihari Dist- Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 04-12-2024 With the consent of both the counsel heard finally.

2. This revision petition has been preferred by the petitioner (husband) aggrieved with the order dated 22.11.2022 passed by Principal Judge, Family Court, Katihar in Maintenance Case No. 493 of 2019, whereby and whereunder learned Family Court allowed the application submitted by the O.P.-wife for grant of interim maintenance and directed to the petitioner herein to pay a monthly interim maintenance of Rs. 8,000/-(Rs. Eight thousand) to the O.P.-wife.

3. Undisputedly, both petitioner as well as O.P. are the legally married person. Their marriage was solemnized on 29.06.2018. There is also no dispute on the point that between



both the parties some other litigations are also pending before the different Courts.

4. Perusal of the order passed by Co-ordinate Bench of this Court in Criminal Miscellaneous Case No. 62549/2023 dated 16.4.2024 also shows that on the basis of submission made by the petitioner herein, the Co-ordinate Bench allowed the application for grant of anticipatory bail submitted by the petitioner and directed him to pay a monthly maintenance of Rs. 3,000/- (Rs. Three thousand) to the O.P.-wife as interim maintenance.

5. Perusal of the impugned order dated 22.11.2022 passed by learned Family Court also transpires that on the basis of documentary evidence placed on record the learned Family Court arrived on the conclusion that the petitioner herein is a medical practitioner and also owned a clinic and medical shop. There is also documentary evidence is available on the basis of which the Family Court held that the petitioner is also possesses and owned some cultivable lands.

6. Considering the above, the Family Court has directed to the petitioner for payment of monthly interim maintenance at the rate of Rs. 8,000/- (Rs. Eight thousand) which in consider view of this Court also is just and proper.



7. However, considering the fact that petitioner is already paying a monthly interim maintenance of Rs. (three thousand). Pursuant to the order dated 16.04.2024 passed by the Co-ordinate Bench of this Court in Criminal Miscellaneous 62549 of 2023. It is directed that the amount which has been already paying by the petitioner i.e. Rs. 3,000/- (Rs. Three thousand) pursuant to order dated 16.04.2024 shall be adjusted against the impugned order dated 22.11.2022 meaning thereby adjusting the said amount, the petitioner is now required to pay additional monthly maintenance of Rs. 5,000/- (Rs. Five thousand) only.

8. with the above said observation this revision petition is disposed of.

(Arvind Singh Chandel , J)

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