

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.70 of 2020**

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

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DEEPU MISHRA Son of Raja Ram Mishra Resident of Village- Navadih, P.O-
Sirkhinda, P.S.- Baghaila, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anuradha Devi Wife of Dipu Mishra D/o Lakshmi Narayan Pathak
Presently residing at Village and P.O.-Dhanchhuha, P.S.-Chauri, District-
Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Adv.
For the Respondent/s: Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 12-07-2024

Heard on admission.

2. The present revision application has been filed by the petitioner being aggrieved with the order dated 21.10.2019 passed by the learned Principal Judge, Family Court, Ara in Maintenance Case No. 207 of 2017, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs. 6,000/- to the respondent No.2-wife including her two minor children from the date of filing of the application under Section 125 Cr.P.C.

3. Heard learned counsel for the petitioner and perused the impugned order and also gone through the other materials along with documents annexed with the petition.



4. Learned counsel for the petitioner submits that while allowing the application for grant of interim maintenance of Rs. 6,000/- per month to the O.P. No.2, the learned Family Court did not consider the fact that the O.P. No.2-wife herself engaged in tailoring work in her village and she is getting Rs. 20,000/- from her tailoring work.

5. Undisputedly, the O.P. No.2 is legally wedded wife of the petitioner and she is residing separately from her husband along with her two children. On the basis of material available on record, the Family Court arrived at the conclusion that petitioner owned agricultural land of ten bighas as well as also earned about Rs. 25,000/- monthly. From perusal of the impugned order, it appears that the petitioner in his written statement has pleaded that the O.P. No.2-wife is residing separately along with her two children and she herself engaged in tailoring work in her village and she is getting Rs. 20,000/- monthly from her tailoring work. However, the petitioner was unable to produce any evidence that as to whether O.P. No.2 is engaged in tailoring work or as to how much she is earning monthly from her work. On the contrary, on the basis of evidences adduced in support of O.P. No.2, it is established that the petitioner owns agricultural land of 10 bighas and he also earns Rs. 25,000/- per month. Therefore, it is established that the petitioner has sufficient means to maintain his legally wedded wife and his two children.



6. Considering the fact that O.P. No.2 is legally wedded wife and living separately from her husband along with two children and the petitioner has sufficient means to maintain his wife and two children, the learned Family, Court has allowed the application for grant of interim maintenance and passed the impugned order on the basis of evidences available on record.

7. Considering the aforesaid discussion, the maintenance amount of Rs. 6,000/- granted in favour of O.P. No.2- wife along with two children by the learned Family Court appears to be just and proper.

8. Resultantly, this Court does not find any illegality and perversity in the order impugned passed by the learned Principal Judge, Family Court, Bhojpur, Ara. Hence, the present revision petition is liable to be dismissed and is, accordingly, dismissed, being devoid of merit, at the admission stage itself.

(Arvind Singh Chandel , J)

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