

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.114 of 2024

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

Sanjit Kumar S/O Ram Nandan Mahto RESIDENT OF CHHAURAH, WARD NO. 11, PS.- KHODABANDPUR, DIST.- BEGUSARAI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NISHA KUMARI W/O SANJIT KUMAR, D/O CHANDRA SEKHAR MAHTO R/O VILLAGE- MAISHANA, P.O AND PS.- GADHPURA, DIST.- BEGUSARAI.
3. MAHI KUMARI @ KUMARI MAHIRA D/O SANJIT KUMAR R/O VILLAGE- MAISHANA, P.O AND PS.- GADHPURA, DIST.- BEGUSARAI.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar
For the Respondent/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 30-09-2024 Heard learned counsel for the petitioner.

2. Petitioner has preferred this revision petition being aggrieved with the judgment dated 18.08.2023 passed by learned Principal Judge, Family Court, Begusarai in Maintenance Case No. 14/2023 whereby and whereunder the learned Family Court allowed the application filed under Section 125 of Cr.P.C. by O.P. No. 2-wife and directed the petitioner to pay a monthly maintenance of Rs. 4,000/- to O.P. No. 2- wife and Rs. 2,000/- to her minor daughter.

3. Learned counsel for the petitioner submits that in her statement recorded before the learned Family Court the O.P.



No. 2- wife herself admitted the fact that she is ready to go with petitioner-husband but she did not come and without considering this fact, the learned Family Court has passed the impugned order and arrived on the conclusion that O.P. No. 2- wife has sufficient cause to reside separately, therefore, the finding recorded by the learned Family Court is perverse.

4. Perusal of the impugned order shows that O.P. No. 2-wife categorically stated that she has been ousted from the house of the petitioner in the year 2020 and on the basis of the complaint made by O.P. No. 2-wife a proceeding under Section 498A of I.P.C. is also pending against the petitioner-husband.

5. During the course of argument, it is fairly admitted by the learned counsel for the petitioner that the petitioner himself did not make any application till today under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. This also shows that he is also not willing to keep the wife with him.

6. Considering the entire evidence available on the record, learned Family Court rightly arrived on the conclusion that O.P. No. 2-wife is residing separately with sufficient cause. The finding recorded by the learned Family Court is based upon evidence available on record, it is not perverse and not contrary to the record.



7. With regard to the quantum of maintenance is concerned, the petitioner himself admitted the fact that he is a Chowkidar and he is getting a monthly salary of Rs. 25,000/-, though as contended by learned counsel for the petitioner, his parents is also dependent upon him and the learned Family Court has only passed the order of maintenance Rs. 6,000/- monthly which is not on higher side and according to the considered opinion of this Court, the said amount is also just and proper.

8. Resultly, I do not find any merit in this revision petition, thus, this petition is dismissed at admission stage itself, having no merit.

(Arvind Singh Chandel , J)

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