

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.166 of 2023

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

MD. MANSOOR @ MD. MANSUR ALAM Son of Md Manjoor Resident of village - Mahuwa, P.O. and P.S.- Supaul, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajda Praveen Wife of Md. Mansoor @ Md. Mansur Alam D/o Md. Mister, Resident of village - Mahuwa, Ward No.- 9, P.O. and P.S.- Supaul, Distt.- Supaul. At Present Resident of village - Madhepura, Ward No.- 12 Laheri Mohalla, P.S.- Madhepura, Distt.- Madhepura.
3. Misleha Praveen Daughter of Md. Mansoor @ Md Mansur Alam Minor Daughter through their mother and guardian Sajda Parveen, Resident of village - Mahuwa, Ward No.- 9, P.O. and P.S.- Supaul, Distt.- Supaul. At Present Resident of village - Madhepura, Ward No.- 12 Laheri Mohalla, P.S.- Madhepura, Distt.- Madhepura.
4. Md. Raizan Alam Son of Md. Mansur Alam @ Md Mansoor Minor Son through their mother and guardian Sajda Parveen, Resident of village - Mahuwa, Ward No.- 9, P.O. and P.S.- Supaul, Distt.- Supaul. At Present Resident of village - Madhepura, Ward No.- 12 Laheri Mohalla, P.S.- Madhepura, Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate
For the Respondent/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 22-07-2024 Heard on admission.

2. This revision petition has been filed by petitioner/ husband of O.P. No. 2 being aggrieved with the judgment dated 05.12.2022 passed by learned Principal Judge, Family Court, Madhepura in Misc (Maintenance) Case No. 29/2019 whereby the learned Family Court allowed the application under Section 125 Cr.P.C. and directed the petitioner to pay Rs. 4,000/- to his



wife (O.P. No. 2) and Rs. 2,000/- each to his two minor children (O.P. Nos. 3 and 4) and presently all of them are residing separately from the petitioner.

3. Perusal of the impugned order further shows that the learned Family Court on the basis of oral and documentary evidence available on record arrived on the conclusion that his wife (O.P. No. 2) has sufficient cause to reside separately. This Court also finds that the petitioner himself admits that fact that he is a skilled labour and is currently working in a mobile shop. However, the petitioner further submits that for this work, he is earning only Rs. 6,000/- per month.

4. Considering the statement made by the petitioner as well as other materials available on record learned Family Court arrived on the conclusion that the petitioner is a skilled labour and due to that he is capable to earn Rs. 15,000/- or more per month. Therefore, the impugned order passed by the learned court below is based upon the evidence available on record. The learned Family Court after considering the earning capacity of the petitioner directed him to pay a monthly maintenance of Rs.8,000/- in total in favour of O.P. Nos. 2, 3 and 4 which appears to be just and proper.

5. As a result of this, I do not find any merit in this



petition. Hence, this petition is dismissed accordingly.

(Arvind Singh Chandel , J)

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