

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.145 of 2023

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

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KARU SAW @ KARYA NAND SAW Son of Garib Saw R/v- Basmatiya,
P.O.- Sahoor, P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. LAKSHMI DEVI @ SHANTI DEVI Wife of Karya Nand Saw @ Karu Saw, D/o Sahdeo Saw R/v- Basmatiya, P.O.- Sahoor, P.S.- Chanan, District- Lakhisarai, At present Village- Lakshminiya, P.O.- Mohanpur, P.S.- Kajra, (Surajgarha), District- Lakhisarai

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Arjun Pd. Keshri, Adv.
For the Respondent/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

7 06-08-2024 Heard both parties.

2. This revision petition has been preferred by the petitioner/husband being aggrieved with the order dated 14.11.2022 passed by learned Principal Judge, Family Court, Lakhisarai in Maintenance Case No. 45/2017 whereby the learned Family Court allowed the petition under Section 125 Cr.P.C. and directed the petitioner to pay a monthly maintenance of Rs. 3,000/- to his wife (O.P. No. 2) and Rs. 1,000/- each for two minor children, which is in total Rs. 5,000/-.

3. Undisputedly, the petitioner/ applicant is the husband of O.P. No. 2 and there is also no dispute on the point that out of wedlock, the two children are born who are presently



residing along with their mother (O.P. No. 2).

4. Perusal of the impugned order further shows that during cross-examination, applicant/ petitioner admitted the fact that his wife (O.P. No. 2) is residing separately since 2012 and that a criminal case filed by his wife (O.P. No. 2) is also pending against him. Perusal of Paragraph '8' of the impugned order also shows that the petitioner as of now has performed second marriage and out of second marriage, children are also born. Considering the above facts, the learned Family Court rightly arrived on the conclusion that the wife of petitioner (O.P. No. 2) is residing separately with sufficient cause.

5. With regard to quantum of maintenance is concerned, perusal of the impugned order clearly shows that before the learned Family Court, the petitioner himself admitted the fact that he is working as labourer. The petitioner further stated that he is ready to give maintenance to his two children who are residing with his wife (O.P. No. 2). Thus, it is established that the petitioner is capable to maintain his wife (O.P. No. 2) and his two children and for this, he has sufficient means. Therefore, the amount of monthly maintenance as ordered by the learned Family Court which is Rs. 3,000/- to his wife (O.P. No. 2) and Rs. 1,000/- each for two minor children,



which is in total Rs. 5,000/- appear to be just and proper.

6. I do not find any merit in this case, hence, this
revision petition is dismissed accordingly.

(Arvind Singh Chandel , J)

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