

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 176 of 2020

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

=====

Sufyan @ Md Sufiyan Alam @ Md Sufiyan S/o - Md Hafij Resident of
Village- Matiyari, P.S.- Jokihat, Distt- Araria.

... .. Petitioner/s

Versus

1 The State of Bihar
2 Bibi Sambula Khatoon, Female, aged about 25 years, W/o Sufyan @ Md
Sufiyan Alam @ Md Sufiyan, Resident of Village- Matiyari, P.S.- Jokihat,
Distt- Araria, Present Address D/o late Muslim, Vill – Girda, PS – Jokihat,
Dist - Araria

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Gopal Kumar Jha, Advocate
For the Respondent/s : Mr Umanath Mishra, APP

=====

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 24-07-2024

Heard on admission.

2 Being aggrieved with the order dated 10.12.2019
passed by the learned Principal Judge, Family Court, Araria in
Maintenance Case No 369 of 2017 whereby the learned Principal
Judge, Family Court, while allowing the application filed under
Section 125 of Cr P C, directed the petitioner for payment of
monthly maintenance amount of Rs 5,000/- to Opposite Party No
2. This petition has been preferred by the petitioner (husband).

3 Learned counsel for the petitioner submits that,
without appreciating the evidence available on record and without



discussing the income of the petitioner, the impugned order has been passed by the learned Principal Judge, Family Court. Bare perusal of the impugned order clearly shows that in the maintenance case, it has been pleaded by the petitioner (husband) that Opposite Party No 2 (wife) is living with some other person, namely, Md Manzoor and is also leading an adulterous life with the said person. However, before the Principal Judge, Family Court, petitioner was unable to establish this fact. Since allegation has been made by the petitioner against his wife regarding her adulterous living and was unable to establish this fact, therefore, this alone is a sufficient cause available to Opposite Party No 2 (wife) to reside separately with the petitioner (husband). The learned Principal Judge, Family Court, after appreciating all the evidence available on record, rightly arrived at the conclusion that Opposite Party No 2 (wife) is residing separately with sufficient cause and unable to maintain herself.

4 So far as the quantum part of the maintenance amount is concerned, looking to the earning capacity of the petitioner and further considering the status of both the parties, the maintenance amount of Rs 5,000/-, as ordered by the learned Principal Judge, Family Court, appears to be just and proper.



5 Resultantly, I do not find any merit in this petition.

Accordingly, the petition is dismissed at this stage itself, having no merit.

(Arvind Singh Chandel , J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2024
Transmission Date	25.07.2024

