

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.241 of 2023**

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

Md. Manowar @ Manabbar Son of Md. Sarwar Resident of Village - Chokta,
P.S.- Jokihat (mahalgaon), District - Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Gulnar @ Bunnat Wife of Md. Manowar @ Manabbar D/o Mutlim,
Resident of village - Chokta, P.S.- Jokihat (Mahalgaon), District - Araria. At
present resident of Village - Karahbina, P.S.- Jokihat, District - Araria.
3. Gulchman Son of Md. Manowar @ Manabbar Minors represented through
mother the O.P. No.- 2 as natural guardian and next friend mother At Present
Resident of Village - Karahbina, P.S.- Jokihat, District - Araria.
4. Salik Son of Md. Manowar @ Manabbar Minors represented through mother
the O.P. No.- 2 as natural guardian and next friend mother At Present
Resident of Village - Karahbina, P.S.- Jokihat, District - Araria.
5. Sahjad Son of Md. Manowar @ Manabbar Minors represented through
mother the O.P. No.- 2 as natural guardian and next friend mother At Present
Resident of Village - Karahbina, P.S.- Jokihat, District - Araria.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Gopal Kumar Jha, Advocate
For the Respondent	:	Mr. Nirmal Kumar Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER**

3 16-07-2024

Interlocutory Application No. 01 of 2023

This application has been filed for condonation of
delay in filing the revision petition which is barred by 426 days.

2. For the reasons mentioned in the application, the
aforesaid delay in filing the revision application is condoned.

3. Interlocutory Application stands allowed.

Cr. Revision No. 241 of 2023

Heard learned counsel for the petitioner and



learned counsel for the respondent.

2. Perused the impugned order as well as other documents annexed with the petition.

3. Undisputedly, the opposite party no 2 is a legally wedded wife of the petitioner, who is residing separately from the petitioner along with her three minor children i.e. opposite party nos. 3 to 5.

4. Perusal of the impugned order further shows that before the Family Court the witnesses of the petitioner admitted the fact that as of now, the petitioner has got married with another lady and is residing with his second wife. Thus, there is sufficient cause available to the opposite party no. 2 to reside separately with the petitioner.

5. Before the Family Court the petitioner pleaded that he has already given divorce to the opposite party no. 2 and one time settlement was also done between both of them before the *Panchayati*. However, to establish this fact, the petitioner himself did not appear before the Family Court for its examination. On this point, he has also unable to make any evidence before the Family Court, therefore, the learned Family Court on the basis of evidence available on record rightly arrived at the conclusion that the opposite party no. 2 is a legally



wedded wife of the petitioner and residing separately with sufficient cause and also unable to maintain herself.

7. The above finding recorded by the Family Court is based upon the evidence available on record which is not perverse and contrary to the record.

8. Further, so far as the quantum of maintenance amount is concerned, the Family Court after considering the income of the petitioner granted monthly maintenance amount of Rs. 4,000/- to the opposite party no. 2, wife and Rs. 1500/- each to the opposite party nos. 2, 3 and 4 for minor children of the petitioner, which also appears to be just and proper.

9. I do not find any infirmity and illegality in the impugned order passed by the learned Principal Judge, Family Court, Araria. Accordingly, this revision petition is dismissed having no merit at the admission stage itself.

10. However, at the time of argument, it is submitted by learned counsel for the petitioner that as of now, the opposite party no. 4 namely, Salik is residing with the petitioner, therefore, he is not entitled to get any maintenance amount from the petitioner.

11. On the basis of the above submission made by the learned counsel, the petitioner is advised to make an



application before the learned Family Court under Section 127 of the Cr. P.C. for modification of the impugned order on this ground.

12. With the above observation, this revision petition is dismissed.

(Arvind Singh Chandel , J)

Shailendra /-

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