

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.251 of 2023

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

Jai Krishna Kumar @ Jai Krishna Yadav Son Of Keshav Yadav Resident of
Village - Jajhat Sabaila, P.S.- Singheshwar, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari Wife of Jai Krishna Kumar @ Jai Krishna Yadav Daughter of
Pramod Yadav, Resident of Village - Jajhat Sabaila Ward No.- 11, P.S.-
Singheshwar, District - Madhepura At present village - Kevatgama, P.S.-
Kumarkhand, District - Madhepura.
3. Shivam Kumar Minor Son of Jai Krishna Kumar @ Jai Krishna Yadav
Through her mother guardian Kajal Kumari, Resident of Village - Jajhat
Sabaila Ward No.- 11, P.S.- Singheshwar, District - Madhepura at present
Village - Kevatgama, P.S.- Kumarkhand, District - Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Respondent/s : Mr. Pawan Kumar Chaurasia, APP.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 30-07-2024 Heard learned counsels for the parties.

2. This Revision Petition has been preferred by the petitioner being aggrieved with the order dated 07.01.2023 passed by learned Principal Judge, Family Court, Madhepura in Maintenance Case No. 15 of 2019 whereby and whereunder the Family Court while allowing the application filed u/s 125 of the Cr.P.C. filed by O.P. No.2 wife 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 child i.e. O.P. No. 3, total Rs. 6,000/- per month from the date of the filing of the Maintenance



Application i.e. 05.03.2019.

3. At the time of argument, it is submitted by learned counsel for the petitioner that during the pendency of this Revision Petition and after passing of the order, the O.P. No.2 wife has performed re-marriage with another person. Looking to contention made by the learned counsel petitioner is advised to make an application before the Family Court under Section 127 of the Cr.P.C for alteration/modification of the impugned order on the ground of second marriage of O.P. No.2.

4. With regard to the merit of the case is concerned, undisputedly, the O.P. No.2 is a legally wedded wife of the petitioner and residing separately from the petitioner along with her minor son. On the basis of evidence adduced by the parties, learned Family Court arrived on the conclusion that O.P. No.2 wife is residing separately with sufficient cause. The above finding recorded by the Family Court is based on the evidence available on record which is not contrary to the record.

5. With regard to the quantum of maintenance amount, the Family Court on the basis of admission made by the petitioner in his show cause arrived on the conclusion that the petitioner is working as a labourer and his monthly income is about Rs. 12,000/-. The Family Court considering the above



directed the petitioner to pay total monthly maintenance of Rs. 6,000/- i.e. one half (½) of his monthly income to O.P. No. 2 and her minor son which also appears to be just and proper.

6. Accordingly, I do not find any ground on the basis of which any interference can be made by this Court. Resultantly, the Revision Petition is dismissed at this stage itself giving liberty to the petitioner as mentioned earlier in this order.

(Arvind Singh Chandel , J)

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