

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.302 of 2022

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

Ramanand Singh

... .. Petitioner/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.

For the Respondent/s : Mr. Chandra Bhushan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 23-07-2024 Heard on admission.

2. This revision petition has been preferred by the petitioner-husband being aggrieved with the order dated 24.01.2022 passed in Maintenance Case No. 184/2014 passed by the learned Principal Judge, Family Court, Bhagalpur whereby, while allowing the application under Section 125 of the Cr. P. C. submitted by O.P. directed the petitioner to pay a monthly maintenance of Rs. 10,000/- to the O.P.

3. Undisputedly, the O.P. is the legally wedded wife of the petitioner and their marriage was solemnized on 15.04.1984. It was a pleading of the petitioner before the Family Court that the O.P got herself remarried in the year 1994 with some other person. In this regard, an inquiry has been conducted by the Police Inspector, Bahadurpur, District- Darbhanga whereby, it



was found that the O.P. performed her second marriage with one Pramod Kumar Srivastava however, the Family Court did not examine the said inquiry report nor the said police inspector who conducted the above said inquiry. The petitioner as well as all the witnesses were unable to establish the fact that O.P. performed her second marriage with Pramod Kumar Srivastava and is residing with him as husband and wife. Contrary to that the witnesses no. 2 of this petitioner himself admitted the fact that the petitioner got his second marriage with one Shakuntla Devi. Thus, it is well established that without taking divorce from the O.P. the petitioner is living with his second wife. Thus, there is sufficient cause available to the O.P. to reside separately with the petitioner. Thus, the finding recorded by the Family Court in this regard is based upon the evidences available on record.

4. With regard to the amount of maintenance is concerned, there is no dispute on the point that petitioner is a constable in the police department. He himself admitted the fact that after necessary deductions he is getting a monthly salary of Rs. 35,000/-. Looking to the above income of the petitioner amount of maintenance i.e. Rs. 10,000/- as ordered by the Family Court also appears to be just and proper.



5. Resultly, I do not find any perversity or illegality in the impugned order passed by the learned Family Court. The petition is liable to be and hereby dismissed at admission stage.

(Arvind Singh Chandel , J)

Raj Ranjan/-

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