

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.561 of 2019

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

ANIL CHAUDHARY Son of Sagar Chaudhary Resident of Village-Jalkaura,
P.O-Jahangira, P.S.-Gangaur, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Devi Wife of Anil Chaudhary D/o Ajay Chaudhary, Resident of Village-Jalkaura, P.O-Jahangira, P.S.-Gangaur, District-Khagaria. Presently Residing at Village-Madhopur, P.O-Basudeopur, P.S.-Kotwali, District-Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 15-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. An order dated 26.11.2018 passed in Maintenance Case No.61 of 2015 by the learned Principal Judge, Family Court, Munger is under challenge in the instant revision at the instance of the husband/petitioner herein.

3. There are two main grounds of challenge of the impugned order in the instant revision :-

Firstly, the petitioner claimed that the opposite party no.2 had illicit relationship with another person, named, Pawan Kumar of her village. From the very beginning she was not happy at her matrimonial home.



Secondly, the opposite party no.2 is a graduate. She earns Rs.10,000/- per month by imparting private tuition and she maintains her family in her paternal home. She is not, therefore, entitled to get any maintenance.

4. During trial of the case, the petitioner failed to prove both his cases as stated above, on the contrary, an allegation of having illicit relationship by a married lady touches upon chastity of the lady and if she refuses to live with her husband such refusal cannot be said to be voluntarily.

5. Being her husband, the petitioner is under obligation to maintain his wife. The trial court granted a sum of Rs.5,000/- towards maintenance allowance.

6. Considering the present day market price of bear essential and minimum need of a person Rs.5,000/- cannot be said to be improper or impractical.

7. For the reasons stated above, I do not find any merit in the instant revision application, accordingly, the same stands dismissed.

(Bibek Chaudhuri, J)

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