

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.372 of 2024

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

Md. Saifullah S/o- Md. Amanullah Village- Ranibag Bhata tola PS- Simri
Bakhteyarpur, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Zahida Khatoon wife of Md. Saifullah, D/o- Md. Burhanuddin Village-
Rajpur Ps- Sabour Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Adv.
For the Respondent/s : Mr. Rajendra Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 05-09-2024 This revision petition has been preferred by the petitioner being aggrieved with the order dated 22.02.2024 passed by the learned Principal Judge, Family Court, Bhagalpur passed in maintenance case no. 146 of 2014 whereby and whereunder the learned Family Court allowed the application filed under Section 125 of Cr.P.C. by O.P.- wife and directed the petitioner to pay a monthly maintenance amount of Rs. 7,000/- to the O.P.-wife.

2. It is submitted by the learned counsel for the petitioner that the O.P. - wife is a divorced wife of the petitioner and is also able to maintain herself as one piece of land has already been purchased by the petitioner-husband in the name of



O.P. - wife and a house was also constructed upon the said land by the petitioner in which the O.P. - wife is residing and doing a business but, the learned Family Court did not consider these facts and passed the order of maintenance. He further submit that looking to the earning of the petitioner the order of maintenance amount fixed by the Family Court appears to be on higher side.

3. Heard both the parties and perused the impugned order as well as documents annexed with the petition.

4. Undisputedly, the O.P. is a legally wedded wife of the petitioner and as of now, the petitioner got married with any other lady and from his second marriage a child is also born. Though, as contended by the petitioner, O.P.- wife is a divorced wife then also she is entitled to get a maintenance from her husband till she got re-married.

5. With regard to the amount of maintenance is concerned though one piece of land has been purchased by the petitioner in the name of O.P.- Wife but, before the Family Court the petitioner is unable to produce any evidence which shows that said land any house is constructed and any part of the said house is used by the O.P.- wife for her business. There is no evidence on record which shows that O.P. - wife is doing any



business and getting a regular income.

6. Therefore, I do not found any substance in the argument placed by the counsel for the petitioner. The impugned order passed by the learned Family Court is based upon the evidences available on record, which is neither perverse nor contrary to the record. Thus, this revision petition is liable to be and hereby dismissed at admission stage itself, having no merit.

(Arvind Singh Chandel , J)

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