

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.410 of 2023

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

AMIT KUMAR @ DR. AMIT KUMAR Son of Sri Nandan Choudhary
Resident of village and Post - Rahiumpur (Panchkhutti), P.S. - Khagaria
(Muffasil), Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Amit Kumar, D/o Hari Narayan Sharma Resident of village - Palidih, P.O. - Churamanchak, P.s. - Bhagwanpur, Distt. - Begusarai
3. Keshav Kumar Son of Amit Kumar @ Dr. Amit Kumar Son of Amit Kumar @ Dr. Amit Kumar, under the natural guardianship of his mother Neha Kumari

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Mr. Chandan Kumar Kashyap, Advocates.
For the Respondent/s	:	Mr. Tarun Prasad Mandal, APP
For the OP No. 2		Mr. Mohit Srivastava, Mr. Abhishek Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 25-07-2024 Heard both sides on admission.

2. The present revision petition has been preferred by the petitioner/husband of OP No. 2 being aggrieved with order dated 23.12.2022 passed in Maintenance Case No. 54 of 2020 by learned Principal Judge, Family Court, Begusarai whereby the learned Family Court while allowing the application filed under Section 125 CrPC directed the petitioner to pay monthly maintenance of Rs. 10,000/- to his wife i.e., OP No.2/wife as well Rs. 5,000/- (total Rs. 15,000/-) to his minor son who is living with OP No.2, i.e., his mother.



3. Learned counsel for the petitioner submits that while allowing the petition filed under Section 125 CrPC, the learned Family Court has not considered the fact that the petitioner obtained decree of divorce from OP No.2 on the ground of cruelty. Thus, it is established that OP No.2 has no any sufficient cause to reside separately from the petitioner, therefore, on this ground alone, the impugned order is fit to be set aside.

4. From perusal of the impugned order, it is evident that though the petitioner has got decree of divorce against OP No.2 on the ground of cruelty but the fact remains that the petitioner himself admitted the fact that after getting divorce from OP No.2, he has remarried with another lady in the year 2020. Thus, there is a sufficient cause for OP No. 2 to reside separately from the petitioner. Since OP No.2 is a divorced wife of petitioner, she is entitled to get maintenance from her husband under Section 125 CrPC till she gets remarried with any other person.

5. So far as quantum of maintenance is concerned, the learned Family Court on the admission made by the petitioner arrived to the conclusion that the petitioner has sufficient means to maintain the OP No.2 and her son. Perusal



of the impugned order shows that in his statement recorded before the learned Family Court, the petitioner himself admitted the fact that he owns four *Bighas* of agricultural land and earns Rs. 60-70 thousand yearly from the work of agriculture. He further admitted the fact that at the time of marriage with OP No. 2, he was working as physiotherapist and was getting monthly income of Rs. 25,000/-.

6. Thus, considering the above admission made by the petitioner himself, the learned Family Court has rightly arrived to the conclusion that he has sufficient means to maintain the OP No. 2 and her son. The amount of maintenance of Rs. 10,000/- awarded in favour of OP No.2 and Rs. 5000/- (total Rs. 15,000/-) to her minor son by the learned Family Court also appears to be just and proper. Resultantly, I do not find any merit in the present revision petition. It is, hereby, dismissed at the admission stage itself.

(Arvind Singh Chandel , J)

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