

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1110 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Manoj Kumar Singh S/o Sachida Nand Singh, R/o Vill. and Post Office -
Balwa Koari, P.S.- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sushma Devi D/o Sri Ram Vinay Singh, W/o Manoj Kumar Singh, R/o Vill.-
Tariyani Chapra, P.S.- Tariyani, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Adv.
For the Respondent/s : Mr. Sri Narendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

10 26-09-2024 Heard.

2. This revision petition has been preferred by the petitioner-husband being aggrieved with the order dated 09.08.2018 passed in Misc. Case No. 06 of 2015 by the Principal Judge, Family Court, Sheohar, whereby and whereunder, the Family Court while allowing the application filed under Section 125 of Cr.P.C. by the O.P.- Wife directed the petitioner to pay a monthly maintenance of Rs. 4,000/- to the O.P.- Wife and Rs. 5,000/- to her minor daughter.

3. Learned counsel for the petitioner submit that while deciding the amount of maintenance the learned Family Court did not consider the actual income of the petitioner and passed



the impugned order. He submit that as per the evidence available on record, the petitioner only have five kathas of agricultural land and apart from that there is no source of income of the petitioner, therefore, amount of maintenance as ordered by the Family Court is in higher side.

4. Learned counsel for the O.P.-Wife supported the impugned judgment passed by the Family Court and submit that considering the income of the petitioner-husband, the Family Court has rightly passed the maintenance order of Rs. 4,000/- and Rs. 5,000/- in favour of the O.P.-Wife and her daughter.

5. Heard both the counsels.

6. Perused the impugned judgment of the Trial Court as well as other materials available on record.

7. Undisputedly, the petitioner owns five kathas of agricultural land and do the work of agriculture. There is no any evidence available on record which shows that he has any other means of earning. However, there is also no material available on record which shows that due to physical or mental ailments he is unable to do any other work. Considering the agriculture income of the petitioner as well as considering the social status of both the parties and further considering the age and education of the minor daughter of the O.P. -Wife and daughter the amount



of maintenance awarded by the Family Court i.e. Rs. 4,000/- and Rs. 5,000/- respectively appears to be just and proper.

8. Resultly, I do not find any merit in this revision petition. Accordingly, this revision petition is dismissed at admission stage itself.

(Arvind Singh Chandel , J)

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