

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.935 of 2018

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

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Jitendra Singh Son of Late Awadh Bihari Singh, Resident of Village-
Jamunipur, P.S.- Bihata, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. Srimati Sarita Singh, Daughter of Dharendra Singh & Wife of Jitendra Singh,
3. Srimati Shital Kumari, Daughter of Jitendra Singh,
4. Prince Kumar, Son of Jitendra Singh,
5. Sakshi Kumari, Daughter of Jitendra Singh, All are resident of Village-
Basatanr, P.S.- Karpi, District- Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate
For the State : Sri Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 22-01-2024 An order dated 25th May, 2018 is under challenge

in the instant Revision. By passing the impugned order, the learned Principal Judge, Family Court, Jehanabad allowed an application under Section 125 of the Cr.P.C. which was registered as Maintenance Case No. 22 of 2016. The impugned order directed the petitioner/husband herein to pay maintenance allowance at the rate of Rs. 5,000/- per month to the opposite party no.2/wife and Rs. 2,000/- each for their three minor children, total being Rs. 11,000/- per month.

2. Learned Advocate for the petitioner submits that



the opposite party no.2 is a teacher of a private school and earns Rs. 10,000/- per month. The said fact has been established in the impugned order itself. Thus, the opposite party no.2 has his own source of income and she can maintain herself with her income.

3. It is contended by the learned Advocate for the petitioner/husband that the petitioner has been residing in Delhi and he is working in a private company and he has only 34 decimal of land in his native place, therefore, it is not possible for him to pay maintenance to the opposite party no.2 and at the rate of Rs. 5,000/- per month.

4. Having heard the learned Advocate for the petitioner and on careful perusal of the materials on record, it is ascertained that the opposite party no.2 has her independent source of income as a teacher of a private school and she use to earn Rs. 10,000/- per month in 2018. It is presumed that her salary is increased by this time to some extent. Therefore, this court holds that the opposite party no.2 has sufficient means to maintain herself. However, the petitioner is under obligation to pay maintenance to his minor children.

5. Considering the minimum need of the children and present day market price, this court is of the view that the petitioner should be directed to pay Rs. 3,000/- per month to



each of the children, total being 9,000/- per month. Thus, the petitioner is directed to pay Rs. 3,000/- per month to his minor children from the date of the order passed by the trial court within 10th of each succeeding month.

6. In view of the above order, the instant Revision is partly allowed.

7. Let a copy of this order be sent to the trial court through FAX or e-mail forthwith.

(Bibek Chaudhuri, J)

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