

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.927 of 2019**

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

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VIJAY KUMAR BHAGAT @ VIJAY KUMAR Son of Ram Ekbal Bhagat  
Resident of Village- Bharthuiya, Police Station- Pipra, District- East  
Champaran.

... .. Petitioner/s

Versus

ANITA DEVI D/O Maithur Bhagat Resident of Village- Mahammadpur  
Majhauriya, Police Station- Rajepur, District- East Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

4      06-02-2024                      The instant Revision is directed against an order  
  
passed by the learned Principal Judge, Family Court, East  
  
Champaran at Motihari in Maintenance Case No. 303 of 2016,  
  
directing the petitioner/husband to pay maintenance allowance  
  
at the rate of Rs. 2,000/- per month in favour of the Opposite  
  
Party No. 2/wife *vide* order dated 24<sup>th</sup> of May, 2019.

Only ground of assailing the instant Revision is that  
  
the Opposite Party No. 2 herself voluntarily and on her own  
  
accord left her matrimonial home. There was no torture or  
  
cruelty upon the opposite party and the petitioner still wants to  
  
maintain his wife in her matrimonial home with proper dignity  
  
and honour. However, the Trial Court did not consider such  
  
aspect of the matter and passed an order directing the petitioner



to pay maintenance allowance at the rate of Rs. 2,000/- per month.

I have heard the learned Advocate for the petitioner.

The Marriage of the petitioner with the Opposite Party No. 2 is not disputed. The said marriage was held on 8<sup>th</sup> of June, 2014. It is alleged by the Opposite Party No. 2 that on 20<sup>th</sup> of September, 2016, the petitioner drove her out from his house after taking away all ornaments and other *Stridhan* Properties. The petitioner denied such allegation. The parties led evidence. The Trial Court found that the Opposite Party No. 2 is entitled to get maintenance at the rate of Rs. 2,000/- per month.

It is submitted by the learned Advocate for the petitioner that the petitioner intends to maintain his wife at her house with full dignity and honour. The Opposite Party No. 2 left/was driven away from her matrimonial home in 2016, order of maintenance was passed on 24<sup>th</sup> of May, 2019. In order to show his *bona fide*, the petitioner has not been able to file the single scarp of paper to show that even a farthing was paid to his wife for her maintenance.

In view of the conduct of the petitioner, this Court finds that the petitioner's plea for keeping the wife in his house with dignity and honour is just an oral submission for the



purpose of this case. Since the petitioner has failed to show his *bona fide* by carrying out the impugned order dated 24<sup>th</sup> of May, 2019, when the Opposite Party is admittedly his wife and she has been residing at her parental home, I do not find any material in the instant Revision.

Accordingly the instant Revision is dismissed.

**(Bibek Chaudhuri, J)**

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