

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.958 of 2019

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

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DEVENDRA SINGH Son of Ramjanam Singh Resident of Village -
Lachhuwar, P.S.- Sikandara, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Devi Wife of Devendra Singh Resident of Village - Lachhuwar,
P.S.- Sikandara, District- Jamui. D/O - Late Ramanand Prasad Singh,
Resident of Village - Swarndih, P.S.- Tarapur, District- Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the O.P.	:	Mr. Rajnish Kumar, Advocate
		Mr. Vijay Kumar, Advocate
For the State	:	Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 08-04-2024 The instant revision is directed against an order passed in Maintenance Case No. 56M/2014 by the learned Principal Judge, Family Court, Jamui on 7th May 2019, directing the petitioner to pay maintenance at the rate of Rs. 8,000/- per month, in favor of his wife, i.e., the opposite party no. 2 from the date of application. The petitioner has challenged the said order of granting maintenance by the trial court. It is not in dispute that the petitioner is a constable of police and he used to earn Rs. 35,000/- per month at the relevant point of time when the application for maintenance was disposed of.

2. It is contended on behalf of the petitioner that the



opposite party no. 02 is not entitled to get any maintenance on the following grounds:-

3. (i) The opposite party has left the matrimonial home voluntarily.

(ii) She is having illicit relation with her own younger brother and as the elder son of the petitioner of the opposite party no. 2 raised protest against such illicit relation, he was murdered by the opposite party no. 02.

(iii) The opposite party no. 02 has a sufficient source of income, she earns Rs. 5,000/- per month by selling books on religion, she also runs a Homeopathy clinic and earns a considerable amount of money by medical practice.

4. The present petitioner, however, failed to produce any document in support of the income of the opposite party no. 02.

5. Learned Advocate for the petitioner submits that DW-1 Alok Kumar Singh, is the own brother of the petitioner. The said Alok Kumar Singh deposed in favour of the petitioner in the trial court as DW-1. In his evidence, he stated that the opposite party no. 02 is the author of a book, namely, Mahavir Tanya and she sells the said book to the pilgrims of Jain faith and earns Rs. 5,000/- per month. She also is a homeopathy



practitioner. The petitioner, however, failed to produce any medical license in support of the medical practice of the opposite party. The petitioner also failed to produce in the trial court even a copy of the book allegedly written by the opposite party no. 02.

6. It is contended on behalf of the petitioner that the opposite party no. 02 voluntarily left her matrimonial home. Even assuming that the petitioner voluntarily left her matrimonial home, it is found from the allegation leveled against the opposite party to the effect that she has illicit relation with her younger brother and she committed murder of her own son. If such an allegation is imputed against a wife and she refuses to stay with her husband, it cannot be said that she had voluntarily withdrawn the association of the petitioner. Surprisingly, the son of the petitioner was alleged to have been murdered and although the petitioner is a constable of police, no police case was registered against the opposite party under Section 302 of the IPC. As to why no such case was registered against the opposite party, the learned counsel for the petitioner has nothing to answer. Unfounded allegation of having illicit relation of the opposite party with others amounts to negligence to maintain his wife.



7. The learned Principal Judge considered the income of the petitioner and granted a maintenance allowance at the rate of Rs. 8,000/- per month in favour of the opposite party.

8. I do not find any illegality or material irregularity in the impugned order. Accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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