

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1002 of 2019

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

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Rajesh Kumar Singh @ Dablu Singh S/O Karmdev Singh R/O Village-
Senduar, P.S.- Kargahar, District- Rohtas

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Usha Devi W/O Rajesh Kumar @ Dablu Singh R/O Village- Senduar, P.S.-
Kargahar, District- Rohtas, At Present- D/O Subash Singh, Village- Baraon,
P.S.- Nokha, District- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Advocate
		Mr. Rohit Kumar Tripathi, Advocate
For the Respondent/s	:	Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 3 01-02-2024 The instant Revision is directed against an order

passed in Maintenance Case No.166 of 2012 under Section 125

of the Cr.P.C. on 26th June, 2019 directing the petitioner to pay

maintenance at the rate of Rs. 6,000/- per month in favour of the

opposite parties.

I have perused the impugned judgment thoroughly.

I am in agreement with the learned Advocate for

the petitioner that from the evidence of the witnesses on behalf

of the opposite party it reveals that the opposite party earns Rs.

8,000/- to Rs. 9,000/- so far as his income from his agricultural

land, the opposite party has failed to produce any document in

support of ownership of his landed property or approximate



amount which he allegedly earns from his agricultural work. It is not in dispute that the petitioner works in Surat, Gujrat. The opposite party has been residing separately at her paternal home. Admittedly, the son of the parties is being maintained by the petitioner. He imparts education to his son. In view of admitted income of Rs. 8,000/- to 9,000/- by the petitioner, the learned trial Judge acted with material irregularity while directing the petitioner to pay maintenance at the rate of Rs. 6,000/- per month.

I do not think that in order to modify the quantum of maintenance, notice to the opposite party is necessary. Considering the materials on record, the quantum of maintenance is modified to the extent that the petitioner is directed to pay maintenance at the rate of Rs. 3,000/- per month to the opposite party from the date of the order of the trial court.

With the above order, the instant Revision is disposed of.

(Bibek Chaudhuri, J)

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