

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1373 of 2019

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

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RAMESH KUMAR @ NITESH MANDAL @ PATEL RAMESH ROSHAN
Son of Subodh Mandal Resident of Village-Kiranpur, P.S-Mednichowki,
District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Kumari Wife of Ramesh Kumar @ Nitesh Mandal, Daughter of Radheshyam Singh Resident of Village-Salarpur, P.O-Amarpur, P.S-Mednichowki, District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Ms.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 22-01-2024 A sum of Rs. 5,000/- has been directed to be paid to the Opposite Party No. 2/wife by the petitioner/husband in a proceeding under Section 125 of the Cr.P.C., being Maintenance Case No. 59 of 2016 vide an order dated 26th of July, 2019 by the learned Principal Judge, Family Court, Lakhisarai.

2. It is contended on behalf of the petitioner that the petitioner has only 2 *bighas* of land, but the learned Trial Judge wrongly held that the petitioner has 250 *bighas* of land. It is also submitted by the learned Advocate for the petitioner that in running page no. 13 of the judgement, the observation made by the learned Trial Judge that the petitioner owns 250 *bighas* of



land was wrongly recorded.

3. This Court also feels that such recording is wrong, even assuming that the said recording is wrong, had it been the fact that the petitioner had 250 *bighas* of agricultural land. The Trial Court could not have passed such a meagre amount of maintenance of Rs. 5,000/-.

4. On perusal of the impugned order, I find that the petitioner carries on some business. The petitioner is an able bodied and young man, he has both the statutory and moral duty to maintain his wife.

5. A sum of Rs. 5,000/- in today's market cannot be said to be excessive. In order to procure the bare minimum of a person, he lives an amount of Rs. 5,000/- per month.

6. Considering the quantum of maintenance, I do not find any reason for interference.

7. The instant Revision is accordingly dismissed.

(Bibek Chaudhuri, J)

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