

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.798 of 2023

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

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Madhu Mangal Kumar Singh @ Madhu Mangal Singh @ Madhu Mangal Kumar Son Of Kamta Prasad Singh Resident Of Gadhpura, Police Station - Gadhpura, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Beena Kumari Wife of Madhu Mangal Kumar Singh @ Madhu Mangal Singh @ Madhu Mangal Kumar, Daughter of Late Ram deo Thakur Resident of Village and Post office and Police Station - Gadhpura, District- Begusarai at present residing at Village- Gaura-1, Police Station - Teghra, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha
For the Respondent/s : Ms. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 14-08-2024 Heard learned counsels for the parties.

2. This revision petition has been preferred by the petitioner-husband being aggrieved with the order dated 25.09.2023 passed by learned Principal Judge, Family Court, Begusarai in Maintenance Case No. 77 of 2022 whereby and whereunder the learned Family Court allowed the application filed under Section 125 of the Cr.P.C. by O.P. No.2-wife and directed the petitioner-husband to pay a monthly maintenance of Rs. 5,000/- to the O.P. No.2-wife from the date of submission of application i.e. on 01.07.2022.

3. Learned counsel for the petitioner would submit



that the Family Court, without giving any reasonable opportunity of hearing and/or producing evidence passed ex-parte order. Therefore, on this ground alone, the impugned order is liable to be set aside.

4. Perusal of the impugned order clearly shows that the petitioner-husband after service of notice appeared before the Family Court and show cause has also been filed by him. Para 6 of the impugned order further shows that reasonable opportunity for producing evidence has been given by the Family Court to petitioner-husband but he failed to produce any evidence, therefore, his evidence was closed by the Family Court on 24.08.2023. Thus, the contention made by learned counsel for the petitioner that no reasonable opportunity of hearing and/or production of evidence was given to petitioner is not sustainable.

5. On perusal of the impugned order, it further shows that on the basis of unrebutted statement of O.P. No. 2, the Family Court rightly arrived on the conclusion that she is residing separately with sufficient cause. On the basis of evidence available on record, the Family Court also arrived on a conclusion that petitioner-husband has performed second marriage also. The above finding recorded by the Family Court,



is based upon the evidence available on record which is not contrary to the record.

6. So far as the quantum of amount of maintenance is concerned, looking to the present price index as well as social status of both the parties, the amount of maintenance of Rs. 5,000/- appears to be just and proper.

7. Resultantly, I do not find any merit in this Revision Application.

8. Accordingly, this Revision Application is dismissed.

(Arvind Singh Chandel , J)

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