

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.758 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Umanand Sah, son of Shibu Sah Resident of village - Bairgachhi Basti, Police Station - Bairgachhi, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulekha Devi wife of Umanand Sah daughter of Late Fashing Sah
3. Dharmendra Kumar son of Umanand Sah
4. Babbi Kumar son of Umanand Sah, Opposite Party Nos. 3 and 4 are minor children of Umanand Sah, under the care & All resident of village - Rampur Mohanpur, Police Station - Araria Bairgachhi, District - Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque
For the Respondent/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 23-01-2024 1. It is the case of the petitioner that the learned Principal Judge, Family Court, Araria disposed of the Maintenance Case No. 177 of 2016, *vide* order dated 12th of June, 2017, without considering the income of the petitioner. The Trial Court granted maintenance allowance at the rate of Rs. 6,000/- per month, payable to the Opposite Party No. 2 and the children of the parties, which seems to be excessive for the petitioner.

2. On perusal of the impugned order, it is found that the Opposite Party No. 2 appeared before the Trial Court to contest the case, but subsequently, he did not file any written



statement and failed to took any step. Therefore, the Trial Court was compelled to disposed of the revisional application *ex-parte*.

3. The Opposite Party No. 2 in her petition under Section 125 of the Cr.P.C. stated that the petitioner is a goldsmith. He has a shop of ornaments. He has also landed property, measuring about 25 bighas and his annual income is approximately Rs. 5,00,000/- per annum.

4. Considering such case of the Opposite Party No. 2, which was corroborated by the witnesses produced on behalf of the Opposite Party No. 2, the Trial Court granted maintenance allowance at the rate of Rs. 4,000/- per month in favour of the Opposite Party No. 2 and Rs. 1,000/- per month each for the children of the parties. The amount of maintenance granted for the children of the parties is absolutely meagre. Nowadays, with a paltry sum of Rs. 1,000/-, well being of a minor child by any stretch of imagination cannot be taken care of. Similarly, the sum of Rs. 4,000/- is bare minimum considering the present day market price of essential commodities for the maintenance of the Opposite Party No. 2.

5. It is submitted by the learned Advocate for the petitioner that the petitioner had landed property, but his sons



sold out the said properties and took away the sale proceeds. In support of his contention, he failed to produce any document before this Court.

6. Considering all such aspects of the matter, I do not find any reason for interference over the impugned order passed by the learned Principal Judge, Family Court, Araria.

7. The impugned order is accordingly affirmed.

8. The instant revision petition is dismissed.

(Bibek Chaudhuri, J)

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