

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1585 of 2019

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

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Arun Kumar, S/o Bilat Rai R/o Village- Jai Prakash Nagar, P.S.- Khagaria,
Distt- Khagaria at present Bank of India, Suraya Branch, Giridih, P.S.-
Giridih, Distt- Giridih

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi, Daughter Of Late Braham Dev Singh Wife of Arun Kumar, At present resident of Nayagaon, Shiromani Tola, P.S.- Parvatta, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate
For the Respondent/s : Mr .Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 12-01-2024 1. Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. Petitioner is an employee of a Nationalized Bank.

The Opposite Party No. 2 is the second wife of the petitioner. It is ascertained from the record as well as submission made by the learned Advocate for the petitioner that after marriage of the petitioner with his first wife, no child was born to them. Thereafter, on the desire of the first wife and other family members, the petitioner married the Opposite Party No. 2. In the said wedlock, the Opposite Party No. 2 gave birth to a child. Subsequently, there was a dispute between the first wife of the petitioner and the Opposite Party No. 2. As a result of which,



the Opposite Party No. 2 was compelled to leave her matrimonial home with his child. In order to maintain herself and her child, the petitioner filed an application under Section 125 of the Cr.P.C before the learned Principal Judge, Family Court, Khagria, which was registered as Maintenance Case No. 04 M.F of 2006. The learned Judge disposed of the said application by a judgment, dated 28th of November, 2019, directing the petitioner to pay maintenance allowance at the rate of Rs. 15,000/- per month to the Opposite Party No. 2 and Rs. 14,000/- per month for the child of the parties, total being Rs. 29,000/- per month. The amount of maintenance, so fixed, was on due consideration of the fact that the Opposite Party earns Rs. 87,000/- per month towards his salary.

3. Having heard the learned Advocate for the petitioner and in view of the admitted position that the Opposite Party No. 2 is the second wife of the petitioner, she is not entitled to get any maintenance as she is not legally married wife of the petitioner under the Hindu Marriage Act. During the lifetime of one of the spouse, the other spouse cannot marry. Thus, petitioner has no obligation to maintain the Opposite Party No. 2. However, the petitioner has the obligation to maintain his minor daughter Ritika Kumari.



4. Therefore, the impugned order, dated 20th of November, 2019, is quashed and set aside.

5. The petitioner is directed to pay maintenance allowance for his minor daughter Ritika Kumari @ Rs. 20,000/- per month, payable according to the English Calendar month from the date of the order passed by the Trial Court.

6. The petitioner is directed to pay the current maintenance allowance within 7th day of each succeeding month and also make payment of arrears maintenance in 25 equal monthly installments along with the current maintenance allowance.

With the above observation / direction, the instant revision stands disposed of.

(Bibek Chaudhuri, J)

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