

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.78 of 2024

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

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Laleshwar Yadav @ Lalo Yadav @ Lalo Yadav S/O Bholi Yadav Village- Kumaith, Ps. And Dist. Supaul Presently Residing At Dharnipatti, Ward No. 14, Ps. And Dist. Supaul (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi W/O Laleshwar Yadav @ Lalo Yadav @ Lalo Yadav, D/O Harilal Yadav Village- Panidaha, Ps.- Bihra, Dist. Saharsa Presently Residing At Village- Kumaith, Ps. And Dist. Supaul (BIHAR).
3. Brajesh Kumar S/O Laleshwar Yadav @ Lalo Yadav @ Lalo Yadav Village- Kumaith, Ps. And Dist. Supaul (BIHAR).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar, Adv.
For O.P. Nos. 2 & 3	:	Mr. Kuldeep Kumar, Adv., Mr. Jitendra Kumar, Adv.
For the State	:	Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 08-07-2025 Petitioner is the husband of opposite party no. 2/wife, the opposite party no. 3 was a minor son of petitioner and the opposite party no. 2, on the date of filing of the application for maintenance, under Section 125 of the Cr.P.C.

2. An order dated 24th November, 2023, passed in Maintenance Case No. 51 of 2018 by the learned Principal Judge, Family Court, Supaul, directing the petitioner to pay Rs. 3,000/- per month to the opposite party no. 2 and Rs. 1500/- per month in favour of the opposite party no. 3, total being Rs. 4500/- per month, from the date of institution of the application



is under challenge in the instant criminal revision.

3. It is contended on behalf of the petitioner that the opposite parties are residing in the house of the petitioner. They are enjoying the landed property owned by the petitioner. The petitioner has been residing at some place about 30-40 Kilometers away from his village, on account of his job. He is working as a Compounder of a Veterinary Surgeon and earns Rs. 7000-8000/- per month.

4. Under such factual background, it is submitted by the petitioner that since the petitioner did not drive the opposite parties away from his house and allowed them to enjoy the usufruct of the agricultural property, the petitioner is not obliged to pay any maintenance. The impugned order passed by the learned Principal Judge, Family Court, Supaul suffers from the illegality and material irregularity. Therefore, the impugned order is required to be set aside, modified or varied.

5. Learned Advocate on behalf of the opposite parties, on the other hand, submits that the petitioner had illicit relationship with another lady and he has been residing with the said lady in some other place, leaving behind his wife and son. The opposite parties have no source of income. The opposite parties have only 04 Kathas of land and no crop is grown on the



said land. Therefore, it is the legal and moral duty of the petitioner to pay maintenance to his wife and his son. Previously, this matter was sent to the mediation.

6. This Court also tried to resolve the dispute amicably and persuaded the petitioner to live with his wife and son in his own house. The petitioner, however, denied to stay in the house with the opposite parties. At the time of reconciliation, it appeared to this Court that the dispute between husband and wife would be solved, if the petitioner agreed to stay with his wife and son, but he did not.

7. It is not disputed that the petitioner does not pay any farthing to his wife and his son for maintenance. Learned Advocate for the petitioner submits that his son has become major and he can perform certain work to maintain himself and his mother. Even assuming that opposite party no. 3 has attained majority, the liability of the petitioner cannot be said to be waived, directing the son of the parties to work and earn livelihood of the opposite parties.

8. The trial court granted Rs. 3,000/- as maintenance allowance to the wife of the petitioner. Today a sum of Rs. 3,000/- is below minimum to maintain oneself.

9. Considering present a market price and soaring



price index of essential commodities, this Court is of the view that the said sum of Rs. 3,000/- is absolutely meager. However, indisputably, the petitioner earns Rs. 7,000-8,000/- per month, this fact has not been disputed by the opposite parties.

10. Considering the income of the petitioner, this Court finds that the said sum of Rs. 3,000/- was properly allowed for the maintenance of opposite party no. 2.

11. Learned Advocate for the opposite parties has not disputed that the opposite party no. 3 has attained majority. He is an able bodied young boy capable of performing certain amount of work to earn his livelihood. Therefore, this Court does not think it necessary to direct the petitioner to pay maintenance amount to the opposite party no. 3.

12. Since, the opposite parties are residing in the house of the petitioner and enjoying little bit of land, which the petitioner owns, I am inclined to modify the order passed by the learned Principal Judge, Family Court, Supaul in Maintenance Case No. 51 of 2018, directing the petitioner to pay maintenance allowance @ Rs. 3,000/- per month to the opposite party no. 2, from the date of the order passed by the trial court and not from the date of filing of the application. Along with current maintenance allowance, the petitioner shall also pay the arrears



maintenance in 10 monthly installments.

13. The order directing the petitioner to pay Rs. 1500/- for the maintenance of the son is set aside considering attainment of age of majority of the son.

14. With the above order the order dated 24th November, 2023, passed in Maintenance Case No. 51 of 2018 by the learned Principal Judge, Family Court, Supaul is modified.

15. The revisional application is thus disposed of.

(Bibek Chaudhuri, J)

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