

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.202 of 2020**

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

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Veer Vikram Kumar Son Of Nunul Lal Sah @ Nunulal Sahu Resident Of  
Village - Sohna, P.S.- Bithan, Distt - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rashmi Priyadarshini Wife of Veer Vikram Kumar Resident of Village -  
Sohma, P.S.- Bithan, Distt - Samastipur, At Present - C/o Mukesh Kumar  
Resident of - Mill Road, Khagaria, P.S.- Khagaria, Distt - Khagaria.
3. Ayush Raj @ Yash Babu Son of Veer Vikram Kumar Under the  
Guardianship of Rashmi Priyadarshini (Mother) Resident of Village -  
Sohma, P.S.- Bithan, Distt - Samastipur, At present C/o Mukesh Kumar  
Resident of - Mill Road, Khagaria, P.S.- Khagaria, Distt - Khagaria.

... .. Respondent/s

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**Appearance :**

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|-------------------------|---|---------------------------------------------------------------------------|
| For the Petitioner/s    | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Saket Kumar Singh, Advocate |
| For the State           | : | Mr. Anant Kumar 1, APP                                                    |
| For the O.P. Nos. 2 & 3 | : | Mr. Vivekanand Jha, Advocate<br>Mr. Hira Jha, Advocate                    |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 27-11-2025**

The present revision petition has been preferred by the petitioner against the impugned final order dated 17.01.2020, passed by learned Principal Judge, Family Court, Khagaria in Maintenance Case No. 91(M) of 2017, whereby learned Principal Judge has ordered the petitioner/Veer Vikram Kumar to pay Rs. 11,000/- and Rs. 5,000/- per month to O.P. No. 2 and O.P. No. 3, respectively towards their maintenance from the date of filing of the maintenance application i.e. 22.12.2017, with a



further direction to pay the arrears of the maintenance in three equal monthly installments.

2. This impugned order has been passed *ex-parte*, because despite substituted service of notice, the petitioner has not appeared before the Family Court and hence, he was proceeded *ex-parte*.

3. As per the case of O.P. Nos. 2 and 3, the O.P. No. 2/Rashmi Priyadarshini was married with the petitioner/Veer Vikram Kumar on 29.11.2013 as per Hindu Rites and Customs and subsequent to the marriage, she joined the matrimonial home of her husband/Veer Vikram Kumar. However, O.P. No. 2/wife had suspect about the character of her husband/petitioner herein, because he used to talk with other girls on mobile.

4. It is further case of O.P. No. 2 herein/wife is that there was additional demand of dowry of Rs. 5 lac, T.V., Freeze and Washing Machine, failing which it was threatened that her husband would marry with another girl. In the meantime, the O.P. No. 2/wife got pregnant and she gave birth to O.P. No. 3/Ayush Raj @ Yash Babu, a baby boy, on 22.08.2015 out of the wedlock.

5. It is further case of O.P. No. 2 that on account of non-fulfillment of demand of dowry, she was subjected to



torture and cruelty and hence, Khagaria P.S. Case No. 167 of 2017 for offence punishable under Section 498A read with Section 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act was registered against her husband, who is petitioner herein. Due to cruelty, she was constrained to live at her parental home. However, neither she nor the child was being maintained by her husband/Veer Vikram Kumar, though she has no means of income, whereas her husband is an Assistant Station Master, posted at Dudhani Akkalkot, District – Solapur, Maharashtra, drawing salary of Rs. 55,000/- per month.

6. Despite service of notice, the petitioner herein/Veer Vikram Kumar could not appear before the Family Court and hence, he was proceeded *ex-parte*.

7. Five witnesses were examined viz., **A.W.-1**, Mukesh Kumar, **A.W.-2**, Rashmi Priyadarshini (applicant before the Family Court), **A.W.-3**, Jai Narayan Sahu, **A.W.-4**, Durga Priyadarshini and **A.W.-5**, Manoj Kumar. All of these witnesses have supported the case of O.P. No. 2 herein before the Family Court.

8. Salary slip of the petitioner/Veer Vikram Kumar was called for by learned Family Court from the employer and as per the salary slip for the month of November, 2019, he was



drawing gross salary of Rs. 55,081/- with a deduction of Rs. 7,600/-. As such, after deduction, he was drawing net salary of Rs. 47,481/-. In view of such evidence, learned Family Court has directed the petitioner herein/Veer Vikram Kumar to pay Rs. 11,000/- per month to his wife/O.P. No. 2 herein towards her maintenance, whereas Rs. 5,000/- per month to her minor son, who is O.P. No. 3 herein, towards his maintenance and the arrears of the maintenance was directed to be paid in three equal monthly installments.

**9.** I heard learned counsel for the petitioner, learned APP for the State and learned counsel for the O.P. Nos. 2 & 3.

**10.** Learned counsel for the petitioner submits that the impugned order is not sustainable in the eye of law, because the amount is excessive and disproportionate to the source of income of the petitioner/Veer Vikram Kumar.

**11.** However, learned APP for the State and learned counsel for the O.P. Nos. 2 and 3 submit that there is no illegality or infirmity in the impugned order. As per the salary slip of the petitioner, his monthly salary is Rs. 47,481/- and he has two dependents – the wife and the minor son, who are O.P. Nos. 2 and 3 herein and were applicant before the Family Court for maintenance. As a matter of fact, the award of maintenance



is on the lower side and there is no scope for any interference in the impugned order.

**12.** I considered the submission advanced by the parties and perused the materials on record.

**13.** I find that in view of the evidence on record and the net salary of the petitioner of Rs. 47,481/-, the quantum of maintenance granted to the O.P. No. 2/wife and O.P. No. 3/son of the petitioner/Veer Vikram Kumar is just and proper and hence, there is no scope for any interference by this Court in the impugned order.

**14.** Accordingly, the present petition is dismissed for want of merit.

**15.** LCR be sent back to the Court below forthwith along with a copy of this order.

**16.** Learned Family Court is directed to enforce the order immediately. It is to be noted that the petitioner herein/Veer Vikram Kumar is a government employee. Hence, he must take measure to attach the salary and ensure that arrears of the maintenance as well as monthly maintenance is paid to O.P. Nos. 2 and 3 without any delay, because maintenance is an urgent matter and there should be no delay at all in the enforcement of such order. Learned Family Court can direct the



salary disbursing authority of the petitioner/Veer Vikram Kumar to attach the salary and pay the arrears of the maintenance and monthly maintenance to the O.P. Nos. 2 and 3 out of the salary. In case any other property is found, even that property can be attached for the satisfaction of the arrears of the maintenance.

**(Jitendra Kumar, J)**

Shoaib/-

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|--------------------------|-------------|
| <b>AFR/NAFR</b>          | NAFR        |
| <b>CAV DATE</b>          | N/A         |
| <b>Uploading Date</b>    | 28.11.2025. |
| <b>Transmission Date</b> | 28.11.2025. |

