

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17898 of 2025

In
CRIMINAL MISCELLANEOUS No.1488 of 2023

Arising Out of PS. Case No.-25 Year-2019 Thana- MAHILA P.S. District- Araria

Suraj Kumar Mandal @ Suraj Mandal S/O Budhan Lal Mandal Resident of village- Bidi Saini Chawak, Baiga Ward No. 6, P.S.- Sikty (Bardaha), District- Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Rupa Devi D/O Jagat Lal Mandal R/O Dharamganj, Ward No. 9, P.S- Palasi, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. This petition has been filed for modification of order dated 22.6.2023, passed in Cr.Misc. No.1488/2023.

3. Learned counsel for the petitioner submits that the petitioner is not in a position to pay aforesaid interim relief to opposite party no.2. He submits that on 16.5.2018 petitioner was brutally assaulted by opposite party no.2 for which his father lodged Sikty Police Station Case No. 74/2018 and since then the petitioner is separate from opposite party no.2 for last five years. Besides this, petitioner is poor and due to illness, he is unable to deposit interim maintenance of Rs.3000/- per month to opposite



party no.2.

4. Interim maintenance is intended to provide minimum financial support to a spouse or partner to avoid starvation during the pendency of divorce or separation proceedings. Courts usually evaluate overall financial circumstances of both parties including other resources or assets before directing the petitioner to pay interim maintenance to his wife. In the present case, petitioner was directed to pay the aforesaid interim maintenance on the offer of the petitioner. Since, petitioner has only disclosed that he was assaulted by opposite party no.2 and he is ill and due to poverty he is unable to pay interim solace to opposite party no.2, this cannot be a ground for exemption from paying interim solace to opposite party no.2.

5. This modification petition is accordingly dismissed.

(Prabhat Kumar Singh, J)

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