

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.294 of 2020

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

Arjun Kumar Son of Ramlaulin Mahto, Resident of Village- Rashidpur Rachiyahi, P.O.-Rashidpur, P.S.-Bachhwara, District- Begusarai, at present village-Jamunatanr, P.O.-Kewta, P.S.-Dalasingsarai, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Rani Daughter of Arjun Kumar, Resident of Village-Rashidpur Rachiyahi, P.O.-Rashidpur, P.S.- Bachhwara, District- Begusarai, at present village- Jamunatanr, P.O-Kewta, P.S- Dalasingsarai, District- Samastipur at present under legal guardianship at maternal grand father Khooblal Mahto, village-Prem Brahanda, P.O.-Ghataho, P.S.-Ujiyarpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Sr. Advocate Mr. Surya Narayan Roy, Advocate Mr. Ashok Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No.2	:	Mr. Sushil Kumar Jha, Advocate Mr. Santosh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
Date : 21-03-2025

The present criminal revision petition has been preferred against the impugned order dated 04.12.2019 passed by learned Principal Judge, Family Court, Samastipur in Miscellaneous Case No. 34 of 2017 filed under Section 127(1) Cr.PC against O.P. No.-2/minor daughter of petitioner, whereby learned Family Court has enhanced the monthly maintenance of Rs.1000/- to Rs.10,000/- per month payable to the O.P. No.2.



2. I heard learned counsel for the petitioner, learned APP for the State and learned counsel for the O.P. No.2.

3. Learned counsel for the petitioner submits that the impugned order is not sustainable in the eye of law because as per the evidence on record, petitioner has only income from his salary as a Teacher of Primary School and as per the salary slip, he is getting only Rs.18,000/- per month, out of which, he has to maintain not only O.P. No.2/daughter but even his second legally wedded wife and three minor children, besides old parents.

4. However, learned counsel for the O.P. No.2 submits that there is no illegality or infirmity in the impugned order and hence, present petition is liable to be dismissed.

5. He further submits that prior to the impugned order, O.P. No.2/daughter was getting only Rs.1000/- per month towards her maintenance vide order dated 31.08.2010 passed in Maintenance Case No. 20 of 2009 under Section 125 Cr.PC and that amount is, needless to say, not sufficient to maintain the school going O.P. No.2.

6. He also submits that parents of the petitioner are not dependent upon him, because they are getting pension, as the father of the petitioner has retired from Government service



and getting Rs.20,000/- per month towards his pension.

7. I considered the submissions advanced by both the parties and perused the material on record.

8. I find that O.P. No.2/ Anshu Rani is minor daughter of the petitioner herein and she is a school going child and it goes without saying that Rs.1000/- per month towards her maintenance is insufficient to meet her expenses.

9. However, I find that petitioner has income of only Rs.18,000/- per month from salary. I also find that after death of the first wife of petitioner or mother of O.P. No.2/Anshu Rani, he has entered into second marriage and from the new marriage, he has three minor children.

10. In such situation, I find that enhancement of monthly maintenance from Rs.1000/- to Rs.10,000/- is no way justified. The petitioner, who has income of only Rs.18,000/- per month, has to maintain altogether five dependents besides himself, if not parents. So it was unjust to direct the payment of Rs.10,000/- to one dependent per month, out of total salary of Rs.18,000/- of the petitioner. In view of such facts and circumstances, monthly maintenance of Rs.3000/- to O.P. No.2/Anshu Rani would meet the ends of justice. Hence, the impugned order is not sustainable.



11. Accordingly, present petition is allowed modifying the impugned order by reducing the enhanced maintenance amount from Rs. 10,000/- to Rs.3000/- per month.

12. Accordingly, present petition is allowed in part.

(Jitendra Kumar, J.)

ravishankar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2025
Transmission Date	22.03.2025

