

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.247 of 2023

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

Manjesh Kumar Rai @ Manjesh Kumar S/O Late Uma Shankar Rai R/O
Village- Dahia, P.S- Bhagwanpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari W/O Manjesh Kumar Rai @ Manjesh Kumar, D/O Ram Shreshtha Rai R/O Village- Hasanpur, P.S- Teghara, Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Pandey, A.P.P.
For the O.P. No.2	:	Mr. S.N.P. Singh, Sr. Advocate Mr. S.P. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

18 18-02-2025 In the instant revision, the petitioner/husband has challenged an order passed by the learned Principal Judge, Family Court, Begusarai on 23.11.2022 in Maintenance Case No.40 of 2011(200/2014) directing the petitioner to pay maintenance at the rate of Rs.5,000/- per month in favour of the opposite party No.2 and Rs.3,000/- per month in favour of the child of the parties.

2. It is not in dispute that the opposite party No.2 is the legally wedded wife of the petitioner, the petitioner also did not deny the birth of the child in the wedlock between the opposite party No.2 and the petitioner. It is also admitted that the petitioner has been residing separately in the house of his



mother from the opposite party No.2. The opposite party No.2 has been residing at Village-Dahiya in a house constructed by the father of the petitioner. In course of argument and during the pendency of the instant revision on the basis of the affidavits of assets and liabilities filed by both the parties, it is ascertained that during the subsistence of first marriage, the petitioner performed second marriage and the second wife of the petitioner gave birth to two children in the wedlock with the petitioner. The petitioner in his affidavits of assets and liabilities stated that he earned only Rs.5,000/- per month. Moreover, he is under obligation to maintain his mother and two minor children and he pays EMI to repay a car lone for purchase of a motorcycle.

3. The opposite party No.2, on the other hand, stated in her affidavits of assets and liabilities that the petitioner earns Rs.40,000/- per month from house rent, he also owns landed property he is having a corpus of approximately Rs.40,00,000/- (Rupees fourty lacs) by selling the landed property and house at Rajgir in the name of his second wife, namely, Khushbu Kumari. Thus, the petitioner has sufficient financial ability to maintain the opposite party No.2 and their minor child.

4. It is pertinent to mention at this stage that none of the parties could produce any document in support of the



income of his/her adversary in the affidavits of assets and liabilities. However, this Court finds that admittedly the petitioner maintains his second wife and two children. Therefore, this Court does not find any reason in support of taking contrary view as held by the learned Principal Judge while disposing of the application under Section 125 of the Cr.P.C. vide a impugned order dated 23.11.2022. When a person is able to maintain his second wife and two children he is of-course above to maintain his first wife and a minor child, who were refused and neglected to be maintained by the petitioner.

5. With regard to quantum of maintenance, this Court does not have any material to alter the amount of maintenance granted by the Trial Court.

6. For the reasons stated above, this Court does not find any ground for taking alternative view in the instant revision and accordingly, the instant revision is dismissed on contest.

(Bibek Chaudhuri, J)

mdrashid/-

U		T	
---	--	---	--

