

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.309 of 2023

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

Kanchan Kumari @ Kanchan Devi W/O Ranjit Kumar Paswan @ Ranjeet Paswan, D/O Upendra Paswan R/O Bikrampur Balia, P.O- Sakri, P.S- Sakri, Distt.- Madhubani, At Present R/O Mollah- Gautam Nagar, Janta Road, P.S- Gadanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjit Kumar Paswan @ Ranjeet Paswan, D/o Upendra Paswan, resident of village- Kanakpur, P.O.-Sakri, P.S.-Sakri, District- Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Prakash, Adv.
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the O.P. No. 2	:	Mr. Gagandeo Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 23-04-2025 The petitioner of Miscellaneous Case No. 3 of 2022, being an application under Section 127 of the Cr.P.C., has challenged the legality of the order dated 27th February, 2023, on the ground that the learned Principal Judge, Family Court, Madhubani, while enhancing the maintenance allowance from Rs. 8,000/- to Rs. 15,000/- did not consider that at the relevant point of time the opposite party no. 2 used to get salary @ Rs. 76,322/- per month.

2. Therefore, the petitioner by filing the instant criminal revision has prayed for modification of the order dated 27th February, 2023, directing the opposite party/husband to pay



maintenance allowance @ Rs. 40,000/- per month for her and minor child of the parties.

3. The learned Advocate on behalf of the opposite party, on the other hand, submits that the petitioner took loan of Rs. 50,000/- from his employer and the said loan is being deducted from the salary of opposite party. Moreover, he has some personal obligation. Therefore, the sum of Rs.15,000/- is quite adequate and reasonable for maintenance of the petitioner and her daughter, which the opposite party no. 2 has been paying.

4. Having heard the learned counsels for the parties and on perusal of the materials on record, this Court finds that the application under Section 127 Cr.P.C. was filed by the petitioner only after enhancement of salary of the opposite party. At the time of filing of the application under Section 127 of the Cr.P.C., in the year 2022, the petitioner used to get salary of Rs. 76322/-. It is obvious that during these three years salary of the opposite party no. 2 is increased.

5. Be that as it may, the opposite party no. 2 is under obligation to pay at least 1/3 of the salary for the maintenance of his wife and the daughter. 1/3 of Rs. 76322/- comes down to Rs. 25400/-.



6. In view of increase in salary of the opposite party no. 2, this Court holds that the petitioner/wife is entitled to get Rs. 15,500/- per month and the minor daughter of the parties is entitled to get Rs. 10,000/- per month, total being Rs. 25,500/- per month towards maintenance.

7. The impugned order dated, 27th February, 2023, passed by the learned Principal Judge, Family Court, Madhubani, in Miscellaneous Case No. 03 of 2022 is, therefore, modified and the opposite party no. 2 is directed to pay maintenance @ Rs. 25,500/- per month to the petitioner for her and her daughter's maintenance from the date of filing of the application under Section 127 of the Cr.P.C.

8. The amount already paid towards maintenance shall be adjusted from the future maintenance.

9. With the above order, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

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

