

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.314 of 2023**

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

Binod Kumar Son Of Late Bishundeo Prasad Resident Of Village Singhchak,  
Ps Chanan ,Distt Lakhisarai

... .. Petitioner/s

Versus

1. Sangita Devi Daughter of Suresh Prasad Gupta Resident Of Village-  
Mahishori, PS- Jamui, Distt- Jamui
2. Pushkar Kumar Son of Binod Kumar Resident Of Village- Mahishori, PS-  
Jamui, Distt- Jamui

... .. Respondent/s

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Petitioner/s | : | Mr. Jyoti Ranjan Jha    |
| For the Respondent/s | : | Mr. Anirudh Kumar Sinha |

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

11     25-06-2025                      The petitioner has challenged legality, propriety and validity of an order dated 22<sup>nd</sup> April, 2021 passed by the learned Principal Judge, Family Court at Jamui upon an application under Section 125 of the CrPC which was registered as Maintenance Case No. 99 M/2018 directing him to pay a sum of Rs. 10,000/- per month to the opposite parties with effect from the date of the filing of the maintenance petition.

2. The marriage between the parties is not denied. The paternity of the minor child is also not denied by the petitioner. It is alleged by the opposite party no. 1 that after few days of marriage she was physically tortured by her husband who is employed in Indian Army. Failing to bear such torture, she left



her matrimonial home and took shelter at her paternal home. It is also found from the impugned order that dispute between the parties were attempted to be settled out of Court through village panchayat but the petitioner/husband did not accept the terms of amicable settlement. On the other hand, he filed a suit for divorce against the O.P. No. 1.

3. The learned Advocate on behalf of the petitioner submits that the petitioner wants to live peacefully, giving due honour to his wife together in his house.

4. It is submitted by the learned Advocate on behalf of the opposite parties, on the other hand, that the petitioner has already got *ex parte* decree in the suit for divorce and the marital tie between the parties has been severed. The O.P. No. 1 did not marry after that, therefore, being the divorcee wife, she is entitled to get maintenance against her husband. It is also submitted by the learned Advocate for the O.P.s that present monthly income of the petitioner is Rs. 48,000/-. The sum of Rs. 10,000/- is bare minimum for the maintenance of the opposite party no. 1 and her minor child.

5. The learned Advocate for the petitioner, on the other hand, submits that on the basis of order dated 12<sup>th</sup> December, 2023, the petitioner paid Rs. 50,000/- towards arrear



maintenance and has been depositing Rs. 6,000/- per month in the name of the O.P. No. 1.

6. This Court has asked the learned Advocate for the petitioner as to whether a sum of Rs. 10,000/- per month is excessive for a wife of an army personnel towards maintenance? He frankly submits that the said amount is not excessive and it is just and proper. This Court is of the view that some more amount ought to be granted towards the maintenance of the O.P. No. 1 and her minor child, however, in view of the specific provision under Section 127 of the CrPC, this Court refrains from fixing maintenance allowance at the rate more than what has been decided by the trial court.

7. For the reasons stated above, I do not find any illegality or material irregularity in the order passed by the trial court. The impugned order is affirmed . The instant revision is dismissed.

**(Bibek Chaudhuri, J)**

Suraj Dubey/-

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