

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38978 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Sunil Kumar S/o Late Jawahar Prasad @ Jawahar Ram, R/o Vill.- Benbaliya
P.O. Benbaliya, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Aradhana @ Aradhna Devi@ Gudiya Devi D/o Tarkeshwar Nath Kashyap
and W/o Sunil Kumar , R/o Vill.- Benbaliya Post Office Benbaliya P.S.-
Bihiya , District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mani Bhushan Kumar, Adv.
For the State	:	Mr.Sri Chandra Bhushan Prasad, APP
For the O.P. No. 2	:	Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 07-01-2025 Heard Mr. Mani Bhushan Kumar, learned counsel for
the petitioner, Mr. Chandra Bhushan Prasad, learned APP for
the State and Mr. Manoj Kumar, learned counsel for the O.P.
No.2.

2. The instant petition has been filed for quashing the
order dated 16.03.2018 passed by the Principal Judge, Family
Court, Bhojpur at Ara in Misc. Case No. 245 of 2015 by which
interim maintenance to the tune of Rs. 7,000/- has been awarded
in favour of the O.P. No.2 and the petitioner has been directed to
pay the said amount as well as a sum of Rs. 20,000/- as cost to
the O.P. No.2.

3. Learned counsel for the petitioner submits that



petitioner is a Government employee in the Bihar Military Police posted as Constable and presently he is getting Rs. 35,000/- per month as salary. It is further submitted that petitioner has liability of his parents in addition to his own liabilities and a major part of his monthly income is being spent by him on his own expenses as well as his parents' expenses and further the O.P. No.2 has solemnized another marriage and in this regard, he has filed a petition before the trial court, so, from the date of re-marriage the O.P. No.2 is not entitled to get any kind of maintenance from the petitioner. It is further submitted that the O.P. No.2 has given birth to a child from her second husband and in this regard, he has filed a petition before the trial court for conducting a D.N.A. test on the new born child of the O.P. No.2.

4. Heard both the sides and perused the order impugned.

5. Though, the aforesaid submissions are relevant and important to be decided but a proper decision can be made by the trial court itself by taking evidences from both the sides and at this stage, it is an admitted position that the petitioner is getting salary of about Rs. 35,000/- from his Government job and he has not taken any plea regarding the means of income of



the O.P. No.2 and further, in the I.A. No. 01/ 2024 the petitioner has levelled vague allegation regarding re-marriage of O.P. No.2 and by the impugned order a sum of Rs. 7,000/-, 1/4th amount of admitted salary of the petitioner, has been granted to the O.P. No.2 as interim maintenance and this court finds no impropriety or illegality in the impugned order. Accordingly, this court finds no merit in this petition, so, it stands disposed of.

(Shailendra Singh, J)

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