

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.521 of 2024

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

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Suman Kumar Jha Son of Fuleshwar Jha Resident of village - Pauri, Ward
No.- 3 Nagar Parishad Benipur, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalyani Kumari Wife of Suman Kumar Jha D/o- Shambhu Nath Chaudhary,
Resident of village - Nadiyami Tola- Surti Rahi, P.S.- Sakatpur, District -
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Madhumala Kumari, Advocate
		Mr. Praful Chandra Thakur, Advocate
For the State	:	Mr. Anish Chandra, APP
For the Informant	:	Mr. Ugranath Mallick, Advocate
	:	Mr. Pramod Kr. Mallick, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 24-07-2025 The instant Cr. Rev. is directed against the order

passed in Maintenance Case No. 162 of 2018 on 16.05.2024 by

the learned Principal Judge Family Court, Darbhanga directing

the petitioner/husband to pay maintenance @ Rs. 6,000/- per

month to the opposite party no. 2.

2. The learned Advocate on behalf of the petitioner

has not disputed the marriage between him and the opposite

party. It is also not disputed that she has been residing

separately. The learned Advocate for the petitioner further

admits that the petitioner has solemnized the second marriage

during the subsistence of the present marriage. No document has



been filed to show that the petitioner has been paying any amount of maintenance to the opposite party at any point of time.

3. It is ascertained from the submission made by the learned Advocate on behalf of the opposite party that the marriage between the parties was solemnized in 2014. Though, the learned Advocate for the opposite party admits that the petitioner is now unemployed which is submitted by him that he has enough source of income from his agricultural land as well as a shop owned and run by him. Therefore, there is no reason to interfere with the impugned order. It is also submitted by the learned Advocate for the opposite party than when the petitioner is able to maintain his second wife and children born in the said wedlock. Why should not he maintain his first wife who is legally married and has every right to get maintenance?

4. At this stage, it is submitted by the learned Advocate for the petitioner that during the pendency of the instant revision, the petitioner paid a sum of Rs. 18,000/- to the opposite party, which means maintenance allowance only for three months. The maintenance case was registered in the year 2018. The Trial Court directed to pay maintenance @ Rs. 6,000/- per month from the date of filing of the application,



payment of a sum of Rs. 18,000/- cannot be considered compliance of the order of the Trial Court, far from substantial compliance.

5. For the reasons stated above and on careful perusal of the materials available on record, especially, the impugned judgment, this Court finds that the petitioner has ample financial capacity to pay Rs. 6,000/- per month to the opposite party towards maintenance. Therefore, I do not find any merit in the instant Cr. Rev.

6. Accordingly, the instant Cr. Rev. is dismissed.

(Bibek Chaudhuri, J)

Jyoti Kumari/-

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