

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.577 of 2024

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

Munna Yadav @ Munna Kumar S/o Late Ramprit Yadav R/o Christian Colony, Near Bihar Police Mens Association, P.S. - Budha Colony, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Rai @ Sangeeta Devi W/o Munna Yadav @ Munna Kumar, D/o Jai Nath Yadav Resident at Christian Colony, Near Bihar Police Men's Association, P.S. - Budha Colony, Distt. - Patna, Presently at Etwarpur, P.s. - Parsa Bazar, Distt. - Patna
3. Isha Rai D/o Munna Yadav @ Munna Kumar Resident at Christian Colony, Near Bihar Police Men's Association, P.S. - Budha Colony, Distt. - Patna, Presently at Etwarpur, P.s. - Parsa Bazar, Distt. - Patna
4. Nisha Rai D/o Munna Yadav @ Munna Kumar Resident at Christian Colony, Near Bihar Police Men's Association, P.S. - Budha Colony, Distt. - Patna, Presently at Etwarpur, P.s. - Parsa Bazar, Distt. - Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 24-07-2025 In spite of the valid service of notice, the Opposite Parties have not turned up. Therefore, this Court takes up the Revision Application for disposal, ex parte.

2. I have heard the learned Advocate for the petitioner. The marriage between the parties is not disputed, the petitioner is the legally married husband of the opposite party no. 2 in their wedlock, the opposite party no. 2 gave birth to two children, who are opposite party nos. 3 & 4 respectively. The



learned Advocate for the petitioner has not raised any dispute that the opposite parties have been residing separately and the petitioner in spite of his sufficient means has failed and neglected to maintain his wife and children.

3. Indisputably, the petitioner has been working as a Group-‘D’ Staff, Peon in the Civil Court of Patna and he earns Rs. 38,000/- from his salary per month. The Trial Court granted maintenance allowance @ Rs. 12,000/- per month in the favour of the opposite party no. 2 and Rs. 4,500/- per month each for opposite party nos. 3 & 4, total being Rs. 21,000/- per month from the date of the order. It is contended on behalf of the petitioner that he is not in a position to make payment of such amount because if the said amount is directed to be paid, it would be more than 50% of the salary earned by the petitioner.

4. The Hon’ble Supreme Court in ***Kalyan Dey Chowdhury vs Rita Dey Chowdhury Nee Nandy*** reported in ***AIR 2017 SUPREME COURT 2383***, has decided that a petitioner may be directed to pay 25% of his salary for the maintenance of his wife, if the salary of the petitioner is rounded about Rs. 40,000/- then the opposite party no. 2 is entitled to get Rs. 10,000/- per month. The petitioner has also the responsibility to maintain his children. If this Court directs the



petitioner to pay Rs. 2,500/- per month for each of the children, the amount comes to Rs. 5,000/- as maintenance allowance to be paid in favour of the opposite party nos. 3 & 4 in that case also the entire amount of maintenance would be more than 25%. However, the petitioner is under obligation to maintain his wife and children

5. Therefore, considering the facts and circumstances of the case as well as the income of the petitioner, this Court modifies the amount of maintenance to Rs. 15,000/- per month to be paid by the petitioner in favour of the opposite parties, the petitioner is directed to pay the said sum to the opposite parties within 10th of each succeeding English calendar month.

6. With the above modifications, the instant Cr. Rev. is disposed of.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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