

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.636 of 2024

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

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1. Seema Verma W/o Raj Kishor Kumar, D/o Rambharat Mahto R/o Murcha Road, P.s. - Chowk, P.O. - Begampur, Distt. - Patna
 2. Vaishanvi D/o Raj Kishore Kumar R/o Murcha Road, P.s. - Chowk, P.O. - Begampur, Distt. - Patna
 3. Shivansi D/o Raj Kishor Kumar R/o Murcha Road, P.s. - Chowk, P.O. - Begampur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishor Kumar S/o Late Ram Raj Singh R/o Ramnagar, Kochatoli, Nakum, P.S. - Nakum, Distt. - Ranchi, Jharkhand

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.
For the Respondent/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 28-07-2025 In spite of service of notice, opposite party no. 2. fails to appear before this Court. No Vakalatnama has been filed on behalf of the opposite party no. 2. Therefore, the instant criminal revision is taken up for hearing ex-parte.

2. The petitioners filed an application under Section 125 of the Cr.P.C. before the learned Additional Principal Judge, Family Court at Patna in Maintenance Case No. 48 (M) of 2021. The said application was disposed of by the trial court on 15th February, 2024, directing the opposite party no. 2 to pay maintenance allowance @ Rs. 21,000/- per month to petitioner



no. 1 and Rs. 9,000/- each per month to the petitioner nos. 2 and 3. Thus, total amount of maintenance comes to Rs. 39,000/- per month, which the opposite party no. 2 was directed to pay. The petitioners have prayed for enhancement of the amount of maintenance on the ground that the opposite party no. 2 is working on a high post in B.H.E.L. and he earns Rs. 1,86,055/- per month. Therefore, the petitioners pray for enhancement of maintenance, challenging the order passed by the trial court.

3. It is pertinent to note that in the revisional application, the petitioners did not state the amount of money which they want towards enhancement amount of maintenance. On being asked, the learned Advocate for the petitioners submits that the petitioners want Rs. 90,000/- per months towards maintenance as the opposite party earns Rs. 1,86,055/- per month. Thus, Rs. 90,000/- comes to about 50% of the opposite party's salary.

4. On being asked, it is submitted by the learned Advocate for the petitioners that during interim stage of the proceeding for maintenance, the trial court granted Rs. 45,000/- per month to the petitioners. The said amount should at least be provided to the petitioners. He has also filed a copy of the Criminal Miscellaneous Case No. 15497 of 2023, passed by a



Coordinate Bench of this Court on 28th July, 2023, granting anticipatory bail to the petitioner on the ground that he would go on paying Rs. 45,000/- towards interim maintenance.

5. Learned Advocate for the petitioners has criticized the final order of maintenance on the ground that the final order reduced the amount of maintenance by Rs. 6,000/- from the interim maintenance.

6. It is frankly submitted by the learned Advocate for the petitioners that during trial, the petitioners did not produce any document with regard to academic expenditure incurred by petitioner no. 1 for the education of her two minor children. Thus, documents and specific plea regarding the petitioners need according to her status, the Court is not in a position to take into consideration the liabilities of the petitioners and direct the opposite party no. 2 to pay maintenance as per the need of the petitioners.

7. On the other hand, this Court considers the Judgment of ***Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy***, reported in ***A.I.R. 2017 SC 238***, where the Hon'ble Supreme Court held that $\frac{1}{4}$ of the net salary is the sufficient and proper amount of maintenance for the petitioners where the petitioners did not come forward with their specific



case of liability. Rs. 39,000/- is more than 25% of Rs. 1,86,055/-.

8. Therefore, at this stage of the proceeding, considering the evidence on record both oral and documentary, I do not find any illegality or material irregularity in the impugned order.

9. Accordingly, the impugned order is affirmed.

10. The instant criminal revision is dismissed on contest.

11. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

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