

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.549 of 2023**

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

Umakant Yadav @ Umakant Kumar, Son of Sri Shivnandan Yadav Resident of village - Murliganj Rahika Tola, P.S. - Murliganj, Distt. - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anokha Devi, Wife of Umakant Yadav @ Umakant Kumar Resident of Village - Murliganj Rhika Tola, P.S. - Murliganj, Distt. - Madhepura, At present residing at village - Devnarhi Jogama, P.S. -Murliganj, Distt. - Madhepura

... .. Respondent/s

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Petitioner/s | : | None                    |
| For O.P. No. 2       | : | Mrs. Shweta Anand, Adv. |
| For the State        | : | Mr. Abhay Kumar, APP    |

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

- 8      12-02-2025                      The instant criminal revision is taken up for hearing.
2. Petitioner is not represented. No accommodation is sought for on behalf of the petitioner.
3. Learned Advocate on behalf of opposite party no.2/wife is present.
4. This Court, therefore, proceeds to dispose of the instant criminal revision on the basis of statement made by the learned Advocate on behalf of opposite party no. 2.
5. The instant criminal revision is directed against an order, passed by the learned Principal Judge, Family Court, Madhepura on 29<sup>th</sup> May, 2023, in Misc. (Maintenance) Case No.



123 of 2016, directing the petitioner to pay maintenance @ Rs. 5,000/- (Five thousand) to the opposite party no. 2 and Rs. 3,000/- (Three thousand) in favour of minor child, born in the wedlock between the petitioner and opposite party no. 2, total being Rs. 8,000/- (Eight thousand) per month, from the date of filing of the petitioner i.e. on and from 19<sup>th</sup> November, 2016.

6. The petitioner has challenged the above stated order by filing the instant criminal revision mainly on two grounds. The petitioner is suffering from temporary disability to the extent of 40% and secondly, the petitioner does not have adequate income to pay Rs. 8,000/- per month in favour of opposite party and her minor son.

7. Learned Advocate on behalf of opposite party no. 2 drawn my attention to the impugned order specially, paragraph- 6 of the same, where the learned Principal Judge found on perusal of the petition under Section 125 of the Cr.P.C. and the written objection thereof that the marriage between the parties is admitted. It is also not disputed that in the wedlock between the petitioner and opposite party no. 2, later gave birth to a male child, who is now aged about 13 years.

8. From the record, it appears that the petitioner has performed second marriage with another lady. In the said



marriage, he has three children. He has been living with the second wife and their children, throwing the first wife and her child away out of his consideration. Now the petitioner is taking a plea of disability by 40%. It is surprising to note that a temporary disable person can perform marriage for the second time, becomes father of three children in the wedlock of second marriage, but refuses to maintain his first wife and their minor child, when the petitioner is able to maintain a family of five persons, this Court can very well assume that he has ability to maintain his first wife and the minor child of the parties.

9. Considering the present day market price of essential commodities and bare minimum need of a person, this Court is of the opinion that a sum of Rs. 5,000/- and Rs. 3,000/-, total being Rs. 8,000/- is not at all excessive and unbearable for the petitioner to pay. Moreover, the temporary disability of 40% should not be held to be a ground for rejection of opposite party's no.-2 claim for maintenance.

10. The same view has been taken by a Coordinate Bench of Madhya Pradesh High Court *in Miscellaneous Criminal Case No. 18176 of 2024 (Mahendra Singh Vrs. Kavita Singh)*, vide Judgment dated 29<sup>th</sup> July, 2024.

11. For the reasons stated above, I do not find any



merit in the instant criminal revision and the same is dismissed.

12. There shall be no order as to costs.

13. The petitioner is directed to comply with the order passed by the learned trial court in its true spirit and purport.

**(Bibek Chaudhuri, J)**

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