

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.804 of 2024**

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

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Chandan Kumar Sharraf @ Chandan Kumar S/o Sri Jata Shankar Prasad @  
Jatashankar Prasad Sharraf R/O Village- Mirchai Patti, Ward No. 09, P.S-  
Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

Kiran Devi W/o Chandan Kumar Sharraf @ Chandan Kumar, D/O Ishwar  
Chandra Prasad @ Ishwar Chandra Sah R/O Village- Ashanuni, P.S-  
Bargania, Distt.- Sitamarhi.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Aditya Narayan Singh, Advocate  
For the Respondent/s : Mr. Ashok Kumar Jha, A.P.P.

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

3      15-07-2025                      Petitioner is the husband of the opposite party. The opposite party filed an application under Section 125 Cr.P.C. before the learned Principal Judge, Family Court, Sitamarhi, which was registered as Maintenance Case No.62 of 2017. The learned Principal Judge, Family Court, Sitamarhi on conclusion of trial directed the petitioner to pay a sum of Rs.6,000/- per month to the opposite party/wife.

2. It is contended on behalf of the petitioner that the amount of maintenance is too excessive to be paid by the petitioner because he does not have adequate income to pay a sum of Rs.6,000/- per month.

3. It is further submitted by the learned Advocate for



the petitioner that the Trial Court fixed the maintenance allowance on the basis of assumption and presumption without examination of the evidence on record.

4. In her petition, the opposite party/wife stated that the petitioner is the owner of a jewellery shop and he earns Rs.30,000/- per month from his jewellery business. The opposite party on the other hand stated in his written objection that he earns Rs.6,000/- per month working in a shop of another person and also earns Rs.13000-14000/- per annum from other sources. Thus, the yearly income of the petitioner/husband according to his statement is Rs.86,000/-.

5. It is contended by the learned Advocate for the petitioner that if the petitioner is directed to pay a sum of Rs.6,000/- per month, he would have to pay entire salary for the maintenance of his wife. It is also submitted by the learned Advocate for the petitioner that the opposite party filed a case under Section 498A and other penal provisions of the IPC and as a condition for bail in the said proceeding, the petitioner has been going on paying a sum of Rs.1,000/- per month to the opposite party.

6. At the time of trial of the case, the opposite party proposed to stay with the petitioner together as husband and



wife but the petitioner and his father denied such proposal on the ground that the opposite party was not mentally fit. At the same time, the petitioner pleaded in his written objection that the opposite party earns more than Rs.10,000/- per month by carrying on sewing work and providing training of sewing to others.

7. The learned Advocate for the opposite party has raised a question as to how a lady having mental problem can earn Rs.10,000/- per month by imparting training of sewing, such statement by the petitioner during trial of the case is absolutely false.

8. The learned Advocate on behalf of the petitioner, on the other hand, submits that the petitioner filed Income Tax Returns and Bank Account showing receipt of salary to prove his income. He also produced certain documents to show his expenditure towards his parents. The Trial Court did not considered all such documents and directed him to pay Rs.6,000/- per month towards maintenance in favour of the opposite party without ascertaining the fact of his monthly income.

9. It is now well established that when no full proof document is coming to the Court to ascertain the income of the



parties. The income can be ascertained on the basis of minimum wages fixed under the Minimum Wages Act by the State. At present, minimum wages of an unskilled labour is Rs.460/- per day. Therefore, the income of the petitioner is assessed as Rs.13,800/- per month. He also earns Rs.13,000-14,000/- from the other source per annum.

10. In view of such circumstances, the petitioner is able to pay Rs.5,000/- per month towards maintenance to the opposite party. The said amount is inclusive of Rs.1,000/-, which he has been paying as a condition for bail.

11. Thus, the petitioner is directed to pay Rs.5,000/- per month towards maintenance inclusive of Rs.1,000/-, which he was directed to pay as a condition for bail to the opposite party. The impugned order of maintenance is accordingly, modified as per the above order.

12. The revisional application is, thus, disposed of on contest, there shall be however, no order as to cost.

13. Lower Court Record may be returned.

**(Bibek Chaudhuri, J)**

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