

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.856 of 2022**

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

Nutan Kumari Wife Of Mukesh Kumar, D/O Babulal Thakur R/O Village-  
Hajipur, P.O.- Ratanganj, P.S.- Sajaur, District- Bhagalpur, Presently At  
Muhalla- Gumti No.12, Sitala Sthan, Ishakachak, P.S. And P.O.- Ishakchak,  
District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Son Of Bishnudev Thakur R/O Village- Shiv Nagar, P.S.-  
Kashim Bazar, P.O. Herudiyara, District- Munger, Presently Posted At  
Section Officer In The Ministry Of Arwan, Directorate Of Estate, Room  
No.419/C, Vikash Nirman Bhan, New Delhi-11

... .. Respondent/s

**Appearance :**

|                      |   |                                                                     |
|----------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Suresh Prasad Bhakta, Advocate<br>Mr. Rameshwar Thakur, Advocate |
| For the State        | : | Mr.Choubey Jawahar, APP                                             |
| For O.P. No. 2       | : | Mr. Shyam Sunder Pandey, Advocate                                   |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 02-09-2025**

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 22.08.2022 passed by learned Principal Judge, Family Court, Bhagalpur in Maintenance Case No. 150 of 2015, whereby and whereunder the learned Family Court allowed the application filed by the petitioner under Section 125 of the Code of Criminal Procedure and directed opposite party no. 2 to make payment of Rs.8,000/- per month to the petitioner Nutan Kumari and Rs.10,000/- per month to her ailing minor son Om from the



date of the order.

3. The grievance of the petitioner is confined to the point that the learned trial court did not allow the sufficient maintenance amount to the petitioner and her ailing son. However, on query learned counsel for the petitioner unable to show this Court that the learned trial court took a view contrary to the materials available on record or ignoring the materials brought on record regarding the income of opposite party no. 2. Rather from the impugned order it transpires that salary slip was produced on behalf of opposite party no. 2 showing his income to be Rs.71,191/- per month.

4. Having regard to the submissions made on behalf of the parties and after perusal of the record, it transpires that the learned trial court after assessing the income of opposite party no. 2 allowed the maintenance total Rs.18,000/- to the petitioner and her ailing minor son. The petitioner seeks enhancement of maintenance amount and Section 127 of the Code of Criminal Procedure provides for alteration in the maintenance amount and the petitioner has got an efficacious and alternate remedy for seeking enhancement of her maintenance amount. Even otherwise this Court would not enter into disputed questions of fact and therefore, the petitioner has



approached this Court by filing a misconceived petition. This Court does not find any illegality or impropriety in the impugned order and hence, the same is affirmed.

5. Accordingly, the present petition stands dismissed.

6. However, the petitioner is at liberty to have recourse of law before appropriate forum in an appropriate proceeding.

**(Arun Kumar Jha, J)**

DKS/-

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| AFR/NAFR          | NAFR       |
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