

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.709 of 2023

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

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Ranjeet Singh @ Ranjeet Kumar Son Of Ram Ashish Singh Resident Of
Village - Ward No. 12, Asnand Tola, Ps- Uchkagaon, Distt- Gopalganj

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Rinku Devi Wife Of Ranjeet Singh @ Ranjeet Kumar Resident Of Village -
Asnand Tola, Post- Balesara, Ps- Uchkagaon, Distt- Gopalganj, Present
Resident Of Village- Balaitha Tola Chakka Hata, Ps- Siwan Muffasil, Distt-
Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Adv.
For the Respondent/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

15 21-04-2025 In spite of service of notice, opposite party no. 2 has

not appeared, therefore, this Court has no other alternative but to

take up the hearing of the instant criminal revision ex-parte.

2. This revision under Section 19 (4) of the Family
Court Act is directed against an order passed in Maintenance
Case No. 169 of 2016, by the Principal Judge, Family Court,
Siwan on 26th June, 2023, directing the present petitioner to pay
maintenance @ Rs. 3,000/- (Three thousand) per month.

3. The said order of maintenance is challenged by the
petitioner on the ground that opposite party no. 2 has
solemnized a 2nd marriage with one Surendra Prasad, S/o Mistry
Bhagat, resident of village- Bhoj Hatta, Post- Panchfish, P.S.-



Mirganj in the District of Gopalganj.

4. Since, the opposite party no. 2 has married to another person and she is being maintained by her second husband, she is not entitled to get any maintenance. Secondly, it is contended on behalf of the petitioner that he is a daily labourer and he does not have means to maintain the opposite party no. 2.

5. The trial court on the basis of evidence adduced by both the parties, passed an order granting maintenance allowance of Rs. 3,000/- per month to be paid by the petitioner to the opposite party no. 2.

6. I have carefully perused the entire materials on record, the learned Advocate on behalf of the petitioner draws my attention to the evidence of witness no. 2, on behalf of the opposite parties, who deposed on oath that the opposite party no. 2 married to one Surendra Prasad during the subsistence of her marriage with the petitioner. Surprisingly enough, the petitioner has not filed the cross-examination. No document has been filed on behalf of the petitioner in support of the second marriage.

7. Marriage of a lady during the subsistence of the first marriage amounts to adultery and an allegation of adultery



without any proof adds wound to the feminine dignity of a lady. If on such ground, the opposite party no. 2 refuses to stay with the petitioner, she did not commit any wrong and it cannot be held under the facts and circumstances that she refuse to stay with her husband voluntarily and willingly.

8. On perusal of the impugned judgment, I find that the trial court in paragraph-20 of the impugned order held the notional income of a daily wage labourer @ Rs. 12,000/- per month, in the light of the decision of the Hon'ble Supreme Court in *Rajnish Vrs. Neha And Another*, reported in (2021) 2 SCC 324.

9. Amount of maintenance has been paid @ Rs. 3,000/- per month, which is 1/4 of the amount of Rs. 12,000/-.

10. Thus, on careful consideration of the evidence on record, I do not find any illegality or material irregularity to interfere with the impugned order.

11. The impugned order is affirmed and the instant criminal revision is dismissed.

(Bibek Chaudhuri, J)

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