

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.21 of 2023

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

MUKESH KUMAR Son of Late Mahesh Prasad Gupta R/v- Chaundi, P.S.-
Barh, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. SHILPA KUMARI @ SHILPI GUPTA D/o Sri Kamta Prasad Gupta R/o
Mohalla- Panchhatti, P.O. and P.S.- Bodh Gaya, District- Gaya, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Jai Narain Thakur, A.P.P.
For the O.P. No.2	:	Mr. Umesh Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 25-06-2025 This is an application under Section 19(4) of the

Family Courts Act filed by the husband/petitioner against the

opposite party No.2/wife.

2. The learned Advocate on behalf of the opposite
party No.2 is present. However, the petitioner takes no step. The
learned Counsel on behalf of the petitioner is found absent. No
accommodation is sought for, therefore, the instant revision is
taken up for hearing and this Court proceeds to dispose of the
instant revision on the basis of the submission made by the
learned Advocate for the opposite party No.2.

3. The petitioner has challenged legality, propriety and
correctness of the order dated 20.10.2022 passed by the learned



Principal Judge, Family Court, Gaya under Section 125 of the Cr.P.C. filed by the opposite party No.2 directing the petitioner to pay Rs.5,000/- per month in favour of the opposite party No.2 and Rs.2500/- per month in favour of the the minor child of the parties within 15th of each succeeding month according to English calendar.

4. The said order is under challenge on the ground that the opposite party No.2 was not refused and neglected by the petitioner to be maintained. On the other hand, after few months of marriage, the opposite party No.2 left her maternal home without disclosing anything on her own wish and volition. The opposite party No.2 filed a criminal case under Section 498-A of the I.P.C. and Section 3/4 of the Dowry Prohibition Act, in which the petitioner applied for anticipatory bail by filing Cr. Misc. No.44504 of 2016. The said application was disposed of on 04.08.2017 granting anticipatory bail to the petitioner on condition that the petitioner shall go on paying a sum of Rs.3500/- per month to the opposite party No.2 until further order. The petitioner has been depositing the said amount.

5. It is contended on behalf of the petitioner that the Trial Court did not take into consideration the said amount of



Rs.3500/-, which the petitioner has been paying in favour of the opposite party No.2 while determining the maintenance allowance. On the other hand, the Trial Court directed the petitioner to pay maintenance allowance at the rate of Rs.5,000/- per month in favour of the opposite party No.2 and Rs.2500/- per month in favour of their minor child, total being Rs.7,500/- per month.

6. It is further contended by the petitioner that the opposite party No.2 also filed a case under Section 12 of the Protection of Women Against Domestic Violence Act on 24.08.2017 only to put pressure upon the petitioner. The said case is still pending.

7. Thus, it is contended on behalf of the petitioner that the opposite party No.2 has been going on filing number of cases only to harass the petitioner and on the other hand, she is praying for maintenance allowance.

8. The petitioner also contends that he earns Rs.45,000/- per month and he has already deposited Rs.30,000/- per year in a policy in the name of his child in ICICI Prudential.

9. I have heard the learned Advocate for the opposite party No.2. I have also perused the impugned order, it is true that in the impugned order, the learned Trial Judge did not



considered that the petitioner has been going on paying a sum of Rs.3500/- per month to the opposite party No.2.

10. Be that as it may, an amount of Rs.5,000/- is not at all an unjust and excessive amount for maintenance of a lady considering her day-to-day expenditure in the light of present day market price. Similarly, a sum of Rs.2500/- is bare minimum for a minor child. Even if an amount of Rs.3500/- is added with the maintenance allowance, the said amount is not sufficient to feed to mouths squarely.

11. Considering such aspect of the matter, I do not find any illegality or material irregularity in the impugned order and accordingly, the instant criminal revision is dismissed on merit, there shall be no order as to cost.

12. Lower Court Records be transmitted to the Court below.

(Bibek Chaudhuri, J)

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