

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.19 of 2023

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

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Lalan Jha @ Sanjay Jha @ Sanjay Kumar, Son of Sarda Nand Jha R/O
Village- Tiswara, P.S.- Sarairanjan, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anu Devi Wife Of Lalan Jha @ Sanjay Jha @ Sanjay Kumar, D/O Bidu Nath Jha R/O Village- Tiswara, P.S.- Sarai Ranjan, District- Samastipur At Present R/O Village- Champa, P.S.- Arer, District- Madhubani
3. Murari Jha Son Of Lalan Jha @ Sanjay Jha @ Sanjay Kumar Minor Under Guardianship Of His Mother Anu Devi R/O Village- Tiswara, P.S.- Sarai Ranjan, District- Samastipur At Present R/O Village- Champa, P.S.- Arer, District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 19-08-2025 Heard learned counsel for the petitioner on admission and I intend to dispose of the revision petition at the stage of admission itself.

2. Petitioner is aggrieved by the order dated 29.09.2022 passed by the learned Principal Judge, Family Court, Madhubani in M.R. Case No. 69 of 2013 whereby and whereunder the learned trial court directed the petitioner to make payment of Rs. 5,000/- per month to his wife/opposite party no.2 and Rs. 3,000/- per month to his minor son/opposite party no.3, herein on or before 15th of every month.



3. Learned counsel for the petitioner submits that the learned trial court did not properly assess the income of the petitioner. Petitioner has got no substantive source of income and is dependent on his parents, who in turn, are dependent on cultivation of land for their sustenance. Learned counsel further submits that the learned trial court without considering the assets and liabilities of the petitioner, passed the orders granting maintenance amount of Rs. 8,000/- per month to opposite party nos. 2 & 3 and thus the said order could not be sustained.

4. Perused the record.

5. From perusal of record, it appears that the petitioner did not file any affidavit in terms of guidelines of the Hon'ble Supreme Court in the case of ***Rajnesh Vs. Neha & Anr.***, reported in ***(2021) 2 SCC 324*** showing his assets and liabilities before the learned Family Court. Now the petitioner cannot take a plea that his assets and liabilities were not considered by the learned trial court. It also appears that the petitioner did not adduce any evidence. The learned trial court proceeded in the matter by holding that the petitioner is young and physically fit person and he was able to maintain his wife and son. Further, opposite parties were found not financially self-reliant and there was no denial of the income of the



petitioner except making statement that the petitioner was dependent on his parents.

6. Therefore, considering the discussion made in the impugned order and the fault on part of the petitioner in not assisting the learned trial court for arriving at a finding after due consideration of his income for which the petitioner is himself liable, I do not find any infirmity, impropriety and illegality in the impugned order dated 29.09.2022 passed by the learned Principal Judge, Family Court, Madhubani in M.R. Case No. 69 of 2013 and the same is affirmed.

7. Finding no merit in the present revision petition, the same is dismissed.

(Arun Kumar Jha, J)

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