

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83555 of 2024

In
CRIMINAL MISCELLANEOUS No.21018 of 2023

Arising Out of PS. Case No.-275 Year-2021 Thana- COMPLAINT CASE District- Supaul

Dhrub Choudhary @ Budha Choudhary @ Dhrub Kumar Choudhary S/O
Shyam Choudhary @ Shyam Sunder Choudhary Resident of Village- Basaha
ward No. 6, P.S.- Pipra, District- Supaul

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Jyoti Kumari W/O Dhrub Choudhary, D/O Shankar Choudhary At Present
R/O Vill.- Ithari, P.S.- Khanar, Dist.- Sunsari, Nepal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms/Mrs. Patla Kumari, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This petition has been filed for modification of
order dated 19.5.2023, passed in Cr.Misc. No.21018/2023.

3. Learned counsel for the petitioner submits that the
petitioner is a poor vegetable shopkeeper in the village and
presently due to illness and suffering from jaundice, he is unable
to deposit interim maintenance of Rs.4000/- per month to
opposite party no.2.

4. Interim maintenance is intended to provide
minimum financial support to a spouse or partner to avoid
starvation during the pendency of divorce or separation
proceedings. Courts usually evaluate overall financial
circumstances of both parties including other resources or assets
before directing the petitioner to pay interim maintenance to his
wife. In the present case, petitioner was directed to pay the



aforesaid interim maintenance on the offer of the petitioner. Since, petitioner has only disclosed that he is suffering from Jaundice and he has been advised bed rest, this cannot be a ground for exemption from paying interim solace to opposite party no.2.

5. This modification petition is accordingly dismissed.

Shashi

(Prabhat Kumar Singh, J)

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