

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.954 of 2024

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

Narendra Kishore Pandey S/O Chandra Kishore Pandey R/O Mohalla- Kamalnath Nagar, Bettiah, P.S- Bettiah (Town), District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lavelly Pandey @ Priyanka @ Priyanka Pandey @ Labli Pandey W/O Dr. Narendra Kishore Pandey @ Narendra Kishore Pandey, D/O Late Surendra Mani Mishra R/O Village-Manpur Makari, P.S- Bathwariya, Distt.- West Champaran.
3. Abhinav @ Tejashvi Pandey S/O Dr. Narendra Kishore Pandey @ Narendra Kishore Pandey R/O Village-Manpur Makari, P.S- Bathwariya, Distt.- West Champaran. Through his mother being Natural Guardian namely Lavli Pandey @ Priyanak, aged about 45 years female, W/O Dr. Narendra kishore Pandey, D/O Late Surendra Mani Mishra, R/O Village- Manpur Makari, P.S- Bathwariya, Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Respondent/s : Mr. Akshay Lal Pandit, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 10-04-2025 The instant criminal revision is directed against an order dated 4th October, 2024, passed by the Principal Judge, Family Court at Bettiah, West Champaran, in Maintenance Case No. 161 of 2019, whereby and whereunder the learned trial judge allowed the aforementioned Maintenance Case, directing the petitioner to pay maintenance @ Rs. 8,000/- per month to the opposite party no. 2 and Rs. 2,000/- per month to the minor son of the parties, till he attains majority, with effect from the date of filing of Maintenance Case i.e. on 21st May, 2019.

2. Marriage of the petitioner was solemnized on 15th June, 2005 according to Hindu rites and ceremony. It is alleged



by the opposite party no. 2 in her petition under Section 125 of the Cr.P.C. that after few days of her marriage, the parents of the petitioner started abusing her with filthy language. In the meantime, the opposite party no. 2 gave birth to a male child in the year 2009. After the birth of child, the petitioner increased the level of torture upon opposite party no. 2 and demanded a sum of Rs.5,00,000/- and a four wheeler vehicle from her parents. When the opposite party no.2 expressed her inability to fulfill the demand of dowry, due to death of her father, she was driven away from her matrimonial home. It is also stated by opposite party no. 2 that she has no source of income or means to maintain herself and the minor son of the parties. On the other hand, the petitioner has been working as a Teacher in R.L. International School, Bettiah and gets Rs. 15,000/- per months towards his salary. The petitioner has approximately 09 Bighas of agricultural land and he earns Rs. 5,00,000/- only by way of cultivation.

3. The petitioner, on the other hand, pleaded that it was opposite party no. 2, who used to pick up word and hurled abusive language to the petitioner and his parents. She is an ill tempered lady, devoid of moral values. It is also pleaded by the petitioner that in the year 2012, he took the opposite party and



other family members of both the parties to Bindhyachal to offer hair of their son during “Mastak Mundan” celebration and puja. The petitioner came to know that opposite party no. 2 had illicit relation with one Abhinav Mishra. The petitioner further pleaded that on 8th March, 2014, the opposite party no. 2 voluntarily fled away from her matrimonial home, taking ornaments worth Rs. 8,00,000/-, cash of Rs. 20,000/- and their son and took shelter at her paternal home. The petitioner informed the matter to the local Police Station and attempt of mutual settlement was made by the learned Chief Judicial Magistrate, Bettiah, but the opposite party no. 2 did not mend herself. The petitioner also stated that he is a Teacher of a Private School and gets Rs. 10,000/- per month, therefore, he has no financial capability to maintain his wife.

4. The learned Principal Judge, Family Court, Bettiah disposed of the Maintenance Case, directing the petitioner to pay maintenance @ Rs. 8,000/- per month in favour of opposite party no. 2 and Rs. 2,000/- per month in favour of their child.

5. I have heard the learned Advocate on behalf of the petitioner and opposite parties.

6. It is pertinent to mention that during trial of the case under Section 125 of the Cr.P.C., the parties have filed



affidavits of assets and liabilities. Surprisingly enough, the petitioner has not stated his monthly income in the affidavit of assets. It is also silent on the question, as to whether he earns any money from cultivation. It is found from the record that the petitioner is highly educated person having his Ph.d degree in History. The opposite party no. 2 has deposed during trial of Maintenance Case No. 161 of 2019 that the petitioner earns a considerable amount of money by way of private tuition. The opposite party no. 2 however failed to produce any document relating to income of the petitioner.

7. Learned counsel for the petitioner submits that opposite party no. 2 lives in adultery and under the provision of Section 125(4) of the Cr.P.C., she is not entitled to get any maintenance. The trial court rightly recorded that the allegation of adultery against the opposite party no. 2 could not be proved by the petitioner. Opposite parties claim for maintenance can only be refused under Section 125(5) of the Cr.P.C. on proof of adultery committed by the opposite party no. 2. On the other hand, the allegation levelled by the petitioner stating that his wife leads an adulterous life adds further wound to her dignity and honour. If under such circumstances, she refuses to stay with her husband, such act of the opposite party no. 2 cannot be



said to be mala fide.

8. The petitioner is an able bodied young man having sufficient academic background. He is capable of earning handsome money to maintain his wife and child. His child reads in Class-VIII. As a father, he has an obligation to maintain his child also.

9. The trial court passed an order of maintenance @ Rs. 10,000/- per months for the opposite party nos. 2 and 3. Considering the present day market value of essential commodities for bare minimum living, the said amount of Rs. 10,000/- is absolutely justified.

10. Therefore, I do not find any reason to spill ink over the Judgment passed by the learned Principal Judge, Family Court, Bettiah in Maintenance Case No. 161 of 2019.

11. The instant criminal revision is accordingly dismissed on contest.

12. There shall be however, no order as to costs.

(Bibek Chaudhuri, J)

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