

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1005 of 2024

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

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Krishna Manjhi @ Bhola Manjhi @ Triloki Manjhi Son of Shivnath Manjhi
Resident of Kuchaikote, P.S.- Kuchaikote, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mina Devi, Wife of Krishna Manjhi @ Bhola Manjhi @ Triloki Manjhi
Resident of Kuchaikote, P.S.- Kuchaikote, District - Gopalganj, Daughter of
Kishori Manjhi, at Present Village – Jagdishpur, P.O. - Bathua Bazar, P.S. -
Phulwariya, District - Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Priya Raj, Advocate
For the O.P. No. 2	:	Mr. Naresh Prasad, Advocate
For the State	:	Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 28-07-2025 The instant criminal revision under Section 19(4) of the Family Courts Act is directed against the judgment and order dated 29th October 2024, passed by the learned Principal Judge, Family Court, Gopalganj, in Maintenance Case No. 19 of 2019, directing the petitioner to pay maintenance at the rate of Rs. 6,000/- per month from the date of filing of the application, i.e., January 2019, within the 10th of each succeeding month in the calendar year. It is not in dispute that the marriage of the petitioner was solemnized with the O.P. No. 2 in the year 2017. Initially, the couple lived a happy family life, but subsequently,



a dispute cropped up between the parties as a result of matrimonial dispute. She left her matrimonial home on 22nd January 2019 on the allegation that she was subjected to torture, physically and mentally. She lodged a complaint before the learned Magistrate for the offence punishable under Sections 498A/323 of the IPC, and the concerned learned Magistrate took cognizance of the offence. The petitioner prayed for anticipatory bail. The anticipatory bail was granted, directing the petitioner to pay Rs. 4,000/- per month as a condition for the grant of anticipatory bail. The petitioner has been depositing the said amount to the opposite party. Under Section 125 of the CrPC, the opposite party No. 2 prayed for grant of maintenance allowance at the rate of Rs. 10,000/- per month. The trial court, on due consideration of the evidence on record, granted Rs. 6,000/- per month towards maintenance in favour of the opposite party.

2. It was submitted by the learned Advocate for the opposite party that once the evidence on behalf of the opposite party/petitioner in the trial court was closed, and as the opposite party/husband failed to take steps during the trial of the case, subsequently, the present petitioner filed an application for recalling the said order. The said order was recalled subject to



payment of a cost of Rs. 1,200/-. After recalling the order, the petitioner was directed to adduce evidence. A series of dates were fixed, but the petitioner did not adduce any evidence in support of his case. Thereafter, the trial court passed the order directing the petitioner to pay maintenance at the rate of Rs. 6,000/- per month.

3. The learned Advocate for the opposite party rightly submits that, when the opposite party did not adduce any evidence in the trial court, in spite of several opportunities being given to him, he cannot challenge the impugned order on the ground of his financial hardships and application to maintain his old, ailing parents. It is the specific evidence of Opposite Party No. 1, during the trial of the case, that the petitioner earns Rs. 25,000/- as an employee of a welding machine firm or as a welder/labourer. The said fact was not denied by adducing evidence by the present petitioner. Therefore, the revisional court had no other alternative but to rely on the evidence of Opposite Party No. 2.

4. Considering such circumstances, I have perused the impugned order, I do not find any illegality or material irregularity in the impugned order and accordingly, the said order is affirmed.



5. With the aforesaid order, the instant criminal revision is disposed of; however, there shall be no order as to costs.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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