

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1029 of 2024

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

Manish Kumar S/O Satyendra Yadav @ Satyendra Prasad Yadav R/O Village-
Maheshua, P.S- Triveniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari W/O Manish Kumar, D/O Sukhdeo Yadav R/O Village-
Maheshua, P.S- Triveniganj, Distt.- Supaul at present residing at Village-
Baljaura, P.S- Triveniganj, Distt.- Supaul.
3. Pari Pushpanjali @ Piku Kumari Minor Daughter of Manish Kumar Under
Legal guardianship of her mother namely Pushpa Kumari. R/O Village-
Maheshua, P.S- Triveniganj, Distt.- Supaul at present residing at Village-
Baljaura, P.S- Triveniganj, Distt.- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the Opposite Party No. 2	:	Mr. Ranjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 3 17-06-2025 The revisionist is the husband of the opposite party
no. 2, who has challenged an order of maintenance dated 23rd
October 2024 passed by the Principal Judge, Family Court at
Supaul in Maintenance Case No. 140 of 2018 directing him to
pay maintenance at the rate of Rs. 6,000/- per month in favour
of the opposite party no. 2/wife and Rs. 4,000/- per month to the
minor daughter of the parties, total being Rs. 10,000/- per month
from the date of filing of the maintenance application under
Section 125 of the CrPC. On 26th November 2018, it is also
directed that the arrear amount of maintenance shall be paid by



the revisionist within one year from the date of passing of the order in 12 equal monthly installments. The revisionist was also directed to pay a sum of Rs. 5,000/- to the opposite party no. 2 towards litigation costs. The aforesaid order is under challenge in the instant revision on the ground that the marriage of the revisionist was solemnized with the opposite party no. 2. They stayed together as husband and wife until 2018. In the wedlock, the opposite party, no. 2, gave birth to a girl child who is arrayed as petitioner no. 3 herein.

2. It is contended on behalf of the petitioner/opposite party no. 2 that her husband refused and neglected to maintain her and her minor daughter properly. She was finally driven away from her matrimonial home; therefore, finding no other alternative, the opposite party no. 2 has filed the maintenance case under Section 125 of the CrPC against the revisionist.

3. On the other hand, it is the specific case of the revisionist that the opposite party, no. 2, was not accustomed to staying in simple village life. She is highly educated and completed her post-graduation from a city. She loves city life, and after her marriage, she regularly insisted her husband to stay in rented accommodation in a city. Considering the family obligation, the revisionist could not accede to such a proposal of



his wife, and therefore, his wife voluntarily left her matrimonial home. The revisionist filed a suit for restitution of conjugal rights, which is still going on. On the other hand, the opposite party, no. 2, filed a criminal complaint under Section 498A of the IPC. Resultantly, the revisionist filed a suit for divorce. Only after filing the suit for divorce as a retaliation, the opposite party, no. 2 has filed the instant application under Section 125 of the CrPC. It is contended on behalf of the revisionist that opposite party no. 2 works in a private school. She has sufficient education and means to earn her livelihood, and therefore, the revisionist is under no obligation to pay any maintenance allowance in favour of the opposite party no. 2.

4. I have carefully perused the impugned judgment. During the trial of the case, the parties have filed affidavits of assets and liabilities. The trial court meticulously and painstakingly examined the affidavits of assets and liabilities. On due examination of the above-mentioned documents, the trial court came to the conclusion that the revisionist has his own as well as ancestral landed properties. Moreover, he is a teacher at a government school and earns Rs. 42025/- per month towards his net salary. In paragraphs no. 33 and 34 of the impugned judgment, the learned Principal Judge, Family Court



at Supaul, discussed the affidavits of assets and liabilities submitted by the opposite party no. 2. It is asserted from paragraph no. 33 that the opposite party no. 2 obtained her M.A. and D.EL.Ed. degrees. The Opposite Party no. 2 also stated in her affidavits of assets and liabilities that though she has above academic qualifications, she does not have any source of income. On the other hand, the revisionist/husband pleaded in his affidavit of assets and liabilities that his wife earns Rs. 25,000/- per month. However, not a single scrap of paper was produced by him during the trial of the case. Even assuming that the opposite party no. 2 earns Rs. 25,000/- per month, is it sufficient to maintain herself and a minor daughter? The irresistible answer must be in the negative.

5. Moreover, in a very recent decision of the Hon'ble Supreme Court in the case of ***Rakhi Sadhukhan v. Raja Sadhukhan***, reported in ***2025 SCC OnLine SC 1259***, the Hon'ble Supreme Court held while granting permanent alimony that a wife is entitled to maintenance/alimony in such a manner so as to commensurate with her lifestyle, which she used to spend during the subsistence of her matrimonial life.

6. The opposite party, no. 2, is the wife of a government school teacher who, from all sources, earns



approximately Rs. 50,000/- per month. The learned Principal Judge, Family Court at Supaul granted Rs. 6,000/- per month for the maintenance of the wife of the revisionist and Rs. 4,000/- per month for the maintenance of their minor daughter. The amount of maintenance is not at all excessive, and the revisionist is under obligation to comply with said order.

7. For the reasons stated above, I do not find any merit in the instant criminal revision, and accordingly, the criminal revision is dismissed on contest. There is, however, no order as to cost.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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