

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.67 of 2025

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Nand Lal Prasad Krishna Prasad Resident of Village- Banjariya, Sahu Tola,
P.S.- Banjariya, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi W/O Nand Lal Prasad, D/O Hira Lal Sah At present Reident of
Village- Siswa Ajgari, P.S- Banjariya, Dist.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar, Advocate
For the State	:	Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 07-07-2026

I.A. No. 01 of 2026

The instant interlocutory application has been filed
for condoning the delay of 75 days in filing the present criminal
revision petition.

02. Learned counsel for the petitioner submits that
the petitioner has been suffering from Jaundice and hence, there
was delay in moving the petition in time.

03. For the reasons mentioned in the interlocutory
application as well as submission made on behalf of the
petitioner, I.A. No. 01 of 2026 is allowed and delay in filing the
revision petition is condoned.

Criminal Revision No. 67 of 2025



04. Though the matter has been listed under the heading "For Orders (On Petitions)" but I intend to dispose of the present revision petition at this stage.

05. The petitioner is aggrieved by the order dated 24.07.2024 passed by learned Principal Judge, Family Court, East Champaran, Motihari in Maintenance Case No. 230 of 2018, whereby and whereunder the learned trial court directed the petitioner to pay Rs.6,000/- per month to opposite party no. 2 from the date of filing of the maintenance case, i.e., 04.07.2018. For payment of arrears time of six months was granted to the petitioner.

06. Learned counsel for the petitioner submits that the learned trial court has erroneously passed the order without considering the fact that opposite party no. 2 has been living separately out of her sweet will and she withdrew herself from the society of the petitioner without any reasonable excuse. Learned counsel further submits that the learned trial court completely ignored the evidence of the witnesses examined by the petitioner, who stated in their evidence that the petitioner has no definite income and his income is much less. Learned trial court has also not considered the fact that the petitioner has income of only Rs.6,000/- per month being an employee of a



medical shop and the parents are also dependent on the petitioner. Learned counsel further submits that the learned trial court erroneously considered that children have been residing with the opposite party no. 2 whereas children have been residing with the petitioner in the transferred residential house in the name of the children apart from 1.6 decimal of land which has fallen in share of the petitioner.

07. Perused the record.

08. From perusal of the record, I find that the learned trial court has recorded its finding that the children have been residing with opposite party no. 2. Neither in the statement of objection filed by the petitioner nor in the evidence of the witnesses of the petitioner as discussed by the learned trial court, it has nowhere come on record that the three children have been staying with the petitioner rather admitted case is that the three children have been staying with their mother though in the house transferred by the petitioner in the name of the children. Learned trial court has also taken note of the fact that no document regarding income of the petitioner had been produced before it and taking into consideration that the petitioner is able bodied person having income from ancestral land, the petitioner has been directed to pay Rs.6,000/- per



month to opposite party no. 2 as maintenance amount. But this amount is taken into consideration the fact that the children are staying with opposite party no. 2, it becomes apparent that a very meager amount has been allowed to opposite party no. 2 and her children for their maintenance. Even if the submission of the petitioner is taken into consideration, the minimum wage is to the tune of Rs.600-700 per day in terms of the notification of Labour Department regarding minimum wages.

09. Having regard to the facts and circumstances, I do not find that the impugned order is suffered from any infirmity and hence, the same is affirmed.

10. Accordingly, the present revision petition stands dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2026
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