

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.143 of 2025

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Adarsh Kumar Singh S/o Suresh Kumar Singh, R/o 12/2, Hungerford Street,
P.S.- Shakespeare Sarani, Dist.- Kolkata.

... .. Petitioner

Versus

1. The State of Bihar
2. Manisha Kumari W/o Adarsh Kumar Singh, D/o Sanjay Kumar, R/o Vill.-
Ratanpura Khanua, SDS College, PO- Chapra, PS- Chapra Town, Dist.-
Chapra.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Radha Mohan Singh, Advocate
For the State	:	Ms. (Dr.) Indihar Kumari, APP
For the OP No. 2	:	Mr. Ashok Kr. Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 14-07-2026

Heard learned counsels for the parties.

2. The present revision petition has been filed against the order dated 26.09.2024 passed by the learned Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 29 of 2021, whereby and whereunder the learned Family Court directed the petitioner to make payment of Rs. 15,000/- per month to the OP No. 2 as interim maintenance amount.

3. Learned counsel for the petitioner submits that the impugned order is passed in a mechanical manner without application of judicial mind. The learned trial Court did not consider the fact that respondent opposite party is living separately from her husband without any reasonable explanation and the petitioner is ready to keep the respondent opposite party at his



house with full honour and dignity. The respondent opposite party is working as a nurse in a private hospital and is able to maintain herself. Learned counsel further submits that petitioner has purchased the house in joint name of petitioner and respondent opposite party for which he has been making payment of Rs. 5,000/- per month as installment. Further, petitioner has taken a loan of Rs. 7,00,000/- towards professional training of the respondent opposite party and he is making payment of installments towards repayment of that loan amount. Learned counsel further submits that the petitioner has also to take care of his old parents and other family members. Learned counsel further submits that petitioner has been drawing salary of Rs. 38,600/- per month. Learned counsel thus submits that the learned trial Court has not considered all these facts. Learned counsel also submits that the petitioner is also making payment of Rs. 5,000/- per month in terms of the order of this Court passed in Cr. Misc. No. 21720 of 2021 dated 08.08.2022 and no adjustment of this amount was given while ordering for payment of interim maintenance amount of Rs. 15,000/-. Therefore, the impugned order is not sustainable.

4. Learned counsel appearing on behalf of respondent opposite party vehemently contends that the present revision petition is not maintainable and the same has been filed with wrong averments. He further submits that the gross pay of the



petitioner in the month of July, 2025 was Rs. 92,271/- and after deduction, the net pay was Rs. 85,900/-. Learned counsel next submits that as per his instructions the petitioner has not been making payment for any amount on account of training for the respondent opposite party or payment of installment towards house loan / vehicle loan. This fact becomes clear from the salary slip obtained by the respondent opposite party from the Directorate General, Border Security Force. Learned counsel further submits that moreover, all these facts need to be considered by the learned trial Court at the time of passing of the final order. The order for interim maintenance cannot be said to be passed without consideration of all the facts. Learned counsel further submits that there are two children out of the marriage and both of them reside with their mother. The petitioner despite opportunity did not file any affidavit of assets and liabilities in terms of guidelines of the Hon'ble Supreme Court in the case of *Rajnish v. Neha & Anr.* reported in *(2021) 2 SCC 324*, whereas the respondent opposite party has filed the said affidavit and she has duly mentioned that in terms of order passed in Cr. Misc. No. 21720 of 2021, she has been getting Rs. 5,000/- per month. At the time of passing of the order, by means of affidavit of assets and liabilities, the respondent opposite party has apprised the Court that petitioner has been getting salary of Rs. 70,000/- per month. Therefore, there is no



infirmity in the impugned order and the same does not need any interference by this Court.

5. I have given my thoughtful consideration to the rival submissions advanced by the parties and perused the record.

6. The order impugned dated 26.09.2024 is an interim order. The parties are yet to prove their claim by means of documentary / oral evidence. Since the grant of maintenance is with primary aim of avoiding penury and starvation of the spouse who has not been earning and to take care of well-being of her children, the order passed by the learned Family Court is to be seen in that light. From the order, it is also clear that despite sufficient opportunity, the petitioner did not file any affidavit of assets and liabilities in terms of the decision in the case of ***Rajnish v. Neha & Anr. (supra)***. Therefore, the Family Court proceeded in absence of such affidavit and in the light of the affidavit filed by the respondent opposite party. Admittedly, the petitioner has been working as Constable in the Border Security Force. The respondent opposite party claimed on affidavit the salary of the petitioner to be Rs. 70,000/- per month, which has not been rebutted by the petitioner who has not produced any document regarding his income from salary or other assets. Therefore, the petitioner could not now claim that he was not given any opportunity to rebut the contention or not given any



opportunity to contest the claim of the respondent opposite party. At the same time, the learned trial Court has also taken into consideration the amount of Rs. 5,000/- which is to be paid by the petitioner as per the direction of this Court in Cr. Misc. No. 21720 of 2021 and the order could not be faulted even on this account that this fact was not considered.

7. Having regards to the aforesaid discussion I find no infirmity or illegality or impropriety in the impugned order. Therefore, the impugned order is affirmed and finding no merit in the present revision petition, the same is dismissed.

8. Parties are at liberty to raise all issues before the learned Family Court, Saran at Chapra and allow the learned trial Court to pass the final order at the earliest.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.07.2026
Transmission Date	15.07.2026

