

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.184 of 2025

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Rahul Raj S/o Suresh Singh, R/o vill.- Sukhlahiya, P.S.- Darpa, Dist- East
Champanan

... .. Petitioner

Versus

1. The State of Bihar
2. Sunita Kumari W/o Rahul Raj D/o Nand Kishore Singh, R/o vill.- Teenkoni,
P.S.- Darpa, Dist- East Champanan.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Dhannjay Kumar-II, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate
		Mr. Ritesh Kashyap, Advocate
		Mr. Raushan Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 30-06-2026

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 06.12.2024 passed in Maintenance Case No. 55 of 2022, whereby and whereunder the learned Principal Judge, Family Court, East Champanan, Motihari allowed the maintenance application of opposite party no. 2 and directed the petitioner to pay an amount of Rs. 4,000/- per month to the opposite party no. 2 with effect from the date of filing of the case, i.e. 14.02.2022. Apart from the said maintenance amount, the petitioner was also directed to make payment of Rs. 5,000/- as litigation cost to the petitioner therein. The arrears of the maintenance amount was to be paid within six months from the



date of passing of the order.

3. Learned counsel for the petitioner submits that impugned order is bad in the eyes of law and has been passed without application of judicial mind in a mechanical manner. The impugned order has been passed without discussing the source of income of the petitioner. Learned counsel further submits that the learned trial Court ought to have discussed the basis for assessing the income of the petitioner on which the order was passed to make payment of Rs. 4,000/- per month to the opposite party no. 2. In absence of such discussion or reason, the impugned order is not proper. There is no ground for passing this maintenance order, hence the impugned order is not correct and may be set aside.

4. Learned counsel appearing on behalf of OP No. 2 however contends that the Family Court has discussed the fact that the petitioner is an able-bodied person and has also taken note that petitioner is owner of seven *bighas* of agricultural land and he is also in business, though no documentary evidence was brought on record regarding the income of the petitioner. Learned counsel next submits that however it is a fact that the OP No. 2 was ousted from the house and only a meager amount has been allowed as maintenance to the OP No. 2 and for



passing order allowing an amount of Rs. 4,000/- per month to the OP No. 2 could not be said to be unreasonable or unrealistic.

5. I have perused the record.

6. Having regard to the rival submission of the parties and considering the materials available on record, it is true that the learned Family Court has observed that the OP No. 2 did not produce any document regarding the income of the petitioner. However, learned Family Court went on to pass an order granting maintenance to the tune of Rs. 4,000/- per month to OP No. 2 which cannot be said to be excessive, even though it is being contended on behalf of the petitioner that the order granting this much amount of maintenance is bereft of any reasoning. However, I find that the learned Family Court has taken note of the fact that the petitioner is an able-bodied man, but there was no documentary evidence regarding petitioner having income of Rs. 1,50,000/- per month. In these circumstances, if the documents of income were not produced or could not be gathered before the learned trial Court, allowing amount of maintenance at the rate of 4,000/- per month appears to be just and proper considering the daily wage amount as prevalent in the State of Bihar. Moreover, this Court is not supposed to go into disputed contentions or facts and it has only



to see whether if there is any illegality, infirmity or irregularity in the impugned order so as to make the impugned order amenable to interference by this Court under revisional jurisdiction. I do not find any infirmity, illegality or irregularity in the impugned order. Further, the revisional Court cannot sit over the order of the Family Court in a revisional proceeding as an Appellate Court.

7. Cumulative reading of all these facts and circumstances shows that the impugned order does not need any interference and hence the same is affirmed and the present revision petition is dismissed.

(Arun Kumar Jha, J)

Shahnawaz/-

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