

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.323 of 2025

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Bijendra Kumar, S/o Late Shobhnath Ram @ Shobhanath Ram, R/o Village-Sakari, P.S.- Kudra, District-Kaimur, (Bhabhua). At present posted as Senior Manager, Indian Bank (Allahabad Bank), Balia Branch , Station Road Balia , P.S.- Balia , Dist- Balia, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Kumari, W/o Bijendra Kumar, D/o Late Bangali Ram, Resident of Bhabua , Ward no. 13, P.S.- Bhabua , District-Kaimur (Bhabua)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Advocate
For the State	:	Mr.Jagdhari Prasad, APP
For O.P.No.2	:	Mr. Ashutosh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 16-06-2026

The record taken up on mentioning being made on behalf of the petitioner.

2. Heard learned counsels for the respective parties.

3. The instant criminal revision has been filed on behalf of the petitioner for setting aside the judgment dated 05.02.2025 passed by the learned Principal Judge, Family Court, Kaimur at Bhabua in Maintenance Case No. 27(M) of 2020 whereby and whereunder the learned Family Court directed the petitioner to make payment of Rs.30,000/-per month to the opposite party no.2 with effect from the date of filing of the petition, i.e., 28.08.2020 towards her maintenance



and the arrears were directed to be paid forthwith.

4. The learned counsel for the petitioner submits that the learned Family Court has passed the judgment/order which is bad in law and also on facts. The learned Family Court has failed to appreciate that the opposite party no.2 has got sufficient means to maintain herself. She is herself earning a handsome amount and does not need maintenance from the petitioner. The opposite party no.2 has also filed a case under Sections 341, 323, 379, 498A and 34 of the Indian Penal Code against the petitioner and his entire family members on false and concocted grounds and the petitioner has to spend money in fighting the case. The learned counsel further submits that the opposite party no.2 does not want to stay with the petitioner and she herself had left her matrimonial home. On the other hand, the petitioner has opened fixed deposit in the name of opposite party no.2 and has also taken insurance policies in her name apart from Atal Pension Yojna and Prime Minister Jeevan Jyoti Yojna for her and these facts could be corroborated from the bank statement of opposite party no.2, but all these facts have not been considered by the learned Family Court. The learned Family Court has also failed to appreciate the evidence of witness examined on behalf of the



petitioner. Therefore, the impugned judgment is not sustainable and the same needs to be set aside. The learned counsel further submits that if the Court does not want to interfere with the impugned order, then the petitioner may be allowed to make payment of arrear amount in easy installments

5. The learned counsel appearing on behalf of the opposite party no.2 vehemently contends that there is no merit in the present revision petition. The learned counsel further submits that the petitioner has failed to produce any document showing either the income of opposite party no.2 or the deposits made in the name of opposite party no.2 or the policies taken by the petitioner in the name of opposite party no.2. So far as the deposits in other schemes, i.e., Atal Pension Yojna and the Prime Minister Jeevan Jyoti Yojna are concerned, only a meager amount is required to be deposited and the premium comes to only 1-2 rupees. The learned counsel further submits that the learned Family Court has considered all the facts and further considered the evidence brought on record by the parties. The learned Family Court has cited its reason for not believing the evidence of sole witness of the petitioner. The learned counsel further submits



that the petitioner did not examine himself before the learned Family Court and is now challenging the judgment/order, though he has not brought on record any evidence in support of any of his claims. The learned counsel further submits that the petitioner is a bank manager and his salary slip was brought on record and, thereafter, the learned Family Court passed the judgment/order for making payment of Rs.30,000/- per month for maintenance of opposite party no.2. So far as payment of arrears amount is concerned, the petitioner has himself filed an application/affidavit before the learned Family Court and the petitioner has been allowed to make payment of Rs.15,000/-per month towards payment of arrears amount apart from Rs.30,000/-per month as maintenance amount.

6. I have given my thoughtful consideration to the rival submission of the parties and perused the records.

7. From perusal of the impugned judgment and the grounds taken by the petitioner, I do not find any infirmity in the judgment since the learned Family Court arrived at its decision after due consideration of evidence of the parties. If the petitioner failed to examine himself or further failed to bring on record any evidence to show the income of the



opposite party no.2 or failed to show the grounds for not allowing any maintenance to opposite party no.2, the petitioner could not take any such plea before this Court in revision. Moreover, in the revisional jurisdiction, this Court is not supposed to re-appreciate the facts. So far as arrears amount is concerned, if the petitioner has already given the undertaking for making payment of arrears amount of Rs.15,000/-per month, no interference is required even towards payment of arrears by making installments.

8. In the light of aforesaid discussions, I do not find any merit in the present revision petition and the same is dismissed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.06.2026
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