

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.420 of 2025

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Manjit Kumar Son of Late Bhim Sen Kumar Resident of village - Nai Pokhar,
P.O. and P.S.- Rajgir, District - Nalanda.

... .. Petitioner/s

Versus

Shivani Kumari Wife of Manjit Kumar Resident of village - Nai Pokhar, P.O.
and P.S.- Rajgir, District - Nalanda, Presently D/o Abhimanyu Prasad, village
- Betalpura, P.O.- Barbigha, P.S.- Sare, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anjani Pd. Singh, Advocate
For the OP : Mr.Rambabu Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-07-2026

I.A. No. 01 of 2026

The instant application has been filed for early
hearing of the present criminal revision petition.

02. Learned counsel for the petitioner/husband
submits that petitioner has been working as a Constable in
Sashastra Seema Bal and vide order dated 15.01.2025 passed by
learned Principal Judge, Family Court, Bihar Sharif, Nalanda
passed in Maintenance Case No. 99 of 2023, the
petitioner/husband was directed to make payment of Rs.15,000/-
per month as interim maintenance amount to the opposite party.
The petitioner was also directed to make payment of Rs.5,000/-
as one time litigation cost to the opposite party. Learned counsel
further submits that for compliance of the order, the learned



Principal Judge, Family Court, Bihar Sharif, Nalanda sent a communication to the Commandant of the petitioner and a show cause was issued to the petitioner on 04.02.2026 by his Commandant as to why he has not made payment of the maintenance amount in compliance of the order dated 15.01.2025 passed by the learned Principal Judge, Family Court, Bihar Sharif, Nalanda. Learned counsel further submits that the petitioner is under the apprehension that if the criminal revision is not heard at the earliest, departmental proceedings may be initiated against the petitioner and the amount ordered by the learned Principal Judge, Family Court, Bihar Sharif, Nalanda may be deducted and paid to the opposite party. Learned counsel also submits that petitioner has a very good case as the contention of the petitioner was not considered by the learned Family Court, Nalanda.

03. Learned counsel for the opposite party opposes the submission made on behalf of the petitioner. Learned counsel for the opposite party submits that the urgency shown by the petitioner for early hearing may not be taken into consideration by this Court as only an interim order has been passed by the learned Principal Judge, Family Court, Bihar Sharif, Nalanda.



04. Considering the averments made in the interlocutory application and submission made on behalf of the petitioner, the I.A. No. 01 of 2026 is allowed.

Cr. Revision No. 420 of 2025

05. With consent of the parties, the matter is taken up for hearing and final disposal.

06. Learned counsel for the petitioner submits that the petitioner has challenged the order dated 15.01.2025 passed by learned Principal Judge, Family Court, Bihar Sharif, Nalanda in Maintenance Case No. 99 of 2023 which has been filed by the opposite party under Section 125 of the CrPC whereby and whereunder the learned Family Court directed the petitioner to make payment of maintenance amount of Rs. Rs.15,000/- per month as interim maintenance amount and one time litigation cost of Rs.5,000/- to the opposite party. But the said order of the learned Principal Judge is contrary to law and without consideration of facts. It is a completely mechanical order. Learned counsel further submits that the marriage of the petitioner and opposite party was solemnized on 12.12.2021 and the opposite party went to her matrimonial home and stayed there only for few days and thereafter, she eloped with her brother-in-law on 16.12.2024. She returned after some time with



her father and other villagers and took away all her belongings from her matrimonial home and permanently settled with her brother-in-law and started living an adulterous life with him. Finding no option, the petitioner therefore filed Divorce Case bearing no. 465 of 2022 which has been pending before the Court of learned Principal Judge, Family Court, Bihar Sharif, Nalanda. On coming to know about the Divorce Case No. 465 of 2022, the opposite party filed an application for interim maintenance on 25.09.2023 under Section 125 of the CrPC in Maintenance Case No. 99M of 2023. Upon receipt of notice in Maintenance Case No. 99M of 2023, the petitioner appeared and filed his reply stating all the facts. In his reply, the petitioner gave an account of his income and also his liabilities. He also pointed out that the opposite party has been living an adulterous life and she willfully deserted the petitioner. Learned counsel also submits that in order to shield herself, the opposite party herself instituted Rajgir P.S. Case No. 515 of 2021 against her brother-in-law. Learned counsel further submits that some objectionable photographs and videos has also come to the notice of the petitioner and a pen drive has been submitted before the learned Principal Judge, Family Court showing that the opposite party was involved in making porn videos and flesh



trade with her brother-in-law. But all these facts were not considered by the learned Principal Judge. The learned Principal Judge, Family Court only went by the income of the petitioner that he is a constable and did not at all consider whether the opposite party was entitled for interim maintenance.

07. Learned counsel appearing on behalf of the opposite party submits that the petitioner has been making these submissions in order to avoid paying any interim maintenance to the opposite party. Adultery is yet to be proved and allegation of flesh trade and porn business is only an averment made on part of the petitioner without any proof. The fact of the case is that the petitioner has not been making any payment of maintenance amount to the opposite party and this fact has been taken note of by the learned Family Court. Admittedly, the petitioner has been getting salary of about Rs.60,000/- per month and the learned Family Court has allowed only 25% of that salary as interim maintenance allowed in favour of the opposite party.

08. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

09. From perusal of the record, I find that while passing the interim order, the learned Principal Judge, Family



Court, Bihar Sharif, Nalanda has though recorded the submission made on behalf of the petitioner but the order is thereafter silent on consideration of the submission of the petitioner/husband made before the learned Principal Judge, Family Court. Though it is an interim order and the petitioner gave an affidavit of his assets and liabilities in terms of decision of the Hon'ble Supreme Court in the case of ***Rajnish Vs. Neha & Anr, (2021) 2 SCC 324***, the learned Family Court was still duty bound to take into consideration the defence of the petitioner and the material brought by the petitioner on record in his favour in reply to the claim of the opposite party in interim maintenance. However, the impugned order is lacking on the point of consideration of reply of the petitioner.

10. Therefore, on this short point, the impugned order dated 15.01.2025 is set aside and the matter is remitted back to the Court of learned Principal Judge, Family Court, Bihar Sharif, Nalanda for consideration afresh having due regard to the reply and submission of the petitioner/husband. The learned Family Court is directed to pass the order at the earliest and preferably within a month from the date receipt of copy of this order.

11. Accordingly, the present criminal revision petition



stands allowed.

12. Office is directed to send a copy of this order to the Court of learned Principal Judge, Family Court, Bihar Sharif, Nalanda.

(Arun Kumar Jha, J)

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