

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.406 of 2022

=====

Rajeev Kumar Ranjan @ Rajiv Kr. Ranjan S/o Bindeshwari Pandit R/o village and P.O.- Bara, P.S.- Belhar, District- Banka. At Present posted as Senior ALP (Mechanical), Division, Talwar, Orrisa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari W/o Rajeev Kumar Ranjan @ Rajiv Kumar Ranjan, D/o Nilambuj Pandit R/o village- Bahjora, P.S.- Belhar, District- Banka
3. Pratik Raj S/o Rajeev Kumar Ranjan @ Rajiv Kr. Ranjan Under guardianship of he mother Punam Kumari, R/o Village- Bahjora, P.S.- Belhar, District- Banka

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP
For the OPs. 2 & 3	:	Mr. Rajive Ranjan Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 10-02-2026

The present revision petition has been filed against the judgment dated 18.05.2022 passed by the learned Principal Judge, Family Court, Banka in Misc. (Maintenance) Case No. 33 of 2019/Trial No. 258 of 2019, whereby and whereunder the petitioner was directed to pay Rs. 20,000/- per month to his wife/opposite party no. 2 and Rs. 5,000/- per month for his child/opposite party no. 3 as maintenance from the date of filing of maintenance case, i.e., 15.03.2019.

2. Learned counsel for the petitioner submits that the petitioner is husband of opposite party no. 2 and father of



opposite party no. 3 and the Misc. (Maintenance) Case No. 33 of 2019 has been filed by opposite party nos. 2 and 3 under Section 125 of Cr.P.C. for grant of maintenance. The learned family court erroneously ordered for payment of Rs. 20,000/- per month to opposite party no. 2 and Rs. 5,000/- per month to the opposite party no. 3 from the date of filing of the case. The learned family court did not consider the income of the petitioner who is a Loco-Pilot in Railway. Apart from his own expenses, the petitioner has also to look after his mother and towards her maintenance, the petitioner has been making payment of Rs. 10,000/- per month. Learned counsel further submits that the learned family court did not take into consideration the salary slip dated 07.01.2022 brought on record showing the gross-pay to be Rs. 39,112/-, though petitioner had been getting in-hand salary amount of Rs. 29,478/-. Learned counsel further submits that the learned family court has also not considered the fact that the opposite party no. 2 is a working lady and is able to maintain her with her child. The learned family court also failed to consider that opposite party no. 2 was living in adulterous relationship which is the main ground of dispute between the parties. The parentage of opposite party no. 3 is also denied by the petitioner but the same was not



considered by the learned family court. Thus, the impugned order suffers from a number of infirmities and the same be set aside.

3. Learned counsel appearing on behalf of opposite party nos. 2 and 3 vehemently contends that there is no merit in the present revision petition. Learned counsel submits that, as on date, the petitioner has been getting an amount of Rs. 72,152/- as gross-pay and net pay of Rs. 63,905/-. Learned counsel further submits that the opposite party no. 2 is not a working lady and she has no other source of income to maintain herself or her child. The story of adultery and opposite party no. 3 not being born out her wedlock has been disbelieved by the learned family court. Learned counsel further submits that the petitioner has got three *bighas* of land and is also having income from the said land. Learned counsel further submits that the learned family court considering the total income of the petitioner, ordered the petitioner to pay his 2/3rd of his income and the same order is perfectly legal and valid.

4. By way of reply, learned counsel for the petitioner submits that three *bighas* of land is with the mother of the petitioner and during her lifetime, the petitioner cannot get the benefit of the produce of the said land.



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

6. From perusal of record, I find that a salary slip for the month of January, 2019 has also been brought on record, showing gross-pay of the petitioner to be Rs. 41,723/- while net pay stated to be Rs. 37,080/-. From the impugned order, it transpires that the learned family court has discussed the evidence of the parties at length and arrived at finding that the petitioner has been getting monthly salary of Rs. 50,000/-. In this manner, the learned family court came to decide that the petitioner should pay Rs. 20,000/- per month to his wife and Rs. 5,000/- to his child. But, I think the calculation of income is not reasonable, as no documentary evidence has been discussed regarding the income of the petitioner. Moreover, when the maintenance order has been passed since the date of filing of miscellaneous case, the learned family court ought to have taken into consideration the income of the petitioner for that period and could not have randomly ordered for making payment considering the current income of the petitioner. Now, the salary slip of the year 2019 has been brought on record and taking into consideration the income of the petitioner at that time and further considering the income of the petitioner in the present, I



think the suitable modification is required in the amount of maintenance starting from the date of filing of miscellaneous case till the date of passing of the final order, so that ends of justice would be met. Hence, the order dated 18.05.2022 passed by the learned family court, Banka is modified to the extent that the petitioner is directed to make payment of Rs. 10,000/- per month to his wife and 5,000/- per month to his child with effect from the date of filing of miscellaneous case till 18.05.2022 and, thereafter, from 19.05.2022, the petitioner will continue to pay the maintenance amount of Rs. 18,000/- per month to his wife, i.e., opposite party no. 2 and Rs. 5,000/- per month to his child (opposite party no. 3).

7. With the aforesaid modification, the present revision petition stands disposed of.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	12.02.2026
Transmission Date	12.02.2026

