

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.558 of 2025

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Sudarshan Chauhan @ Sudarshan Kumar S/o Chaneshwar Chauhan @
Chandeshwar Chauhan Resident of Village- Chadihari, P.S.- Pakaribarawan,
Distt- Nawada.

... .. Petitioner

Versus

1. Gayatri Devi D/o Rammandan Prasad Chauhan, W/o Sudarshan Chauhan @
Sudarshan Kumar R/o Vill- Chadihari, P.S.- Pakaribarawan, Distt- Nawada,
at present resident of Vill- Mithepur, P.S.- Akbarpur, Distt- Nawada.
2. The State of Bihar

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shyam Kishore, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP
For the OP	:	Mr. Birendra Kumar, Advocate
		Mr. Kumud Kishore, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 28-07-2026

Heard learned counsels for the parties.

2. The instant revision petition has been filed for setting aside the judgment dated 03.03.2025 passed in Maintenance Case No. 98 of 2016 by learned Principal Judge, Family Court, Nawada, whereby and whereunder the learned Family Court directed the petitioner to pay the opposite party no. 1 an amount of Rs. 5,000/- per month towards her maintenance from the date of filing of the petition.

3. Learned counsel for the petitioner submits that impugned order is not sustainable and has been passed without appreciation of source of income of the petitioner. In the



impugned order the income of the opposite party no. 1 has also not been taken into consideration. Learned counsel further submits that the petitioner is having no source of income of his own and he stays in a joint house. Learned counsel lastly submits that the opposite party no. 1 has deserted the petitioner and she is not entitled for any maintenance.

4. Learned counsel appearing on behalf of the opposite party no. 1 vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 1 submits that there is no infirmity in the impugned order. The learned trial Court has discussed in detail the status of the parties and also about their incomes. Learned counsel also submits that the learned Family Court had also considered about opposite party no. 1 not living with the petitioner and has held that she could not be held guilty for desertion. She has got reasonable excuse for not staying with the petitioner. Learned counsel also submits that the income of the petitioner was considered as an unskilled labour and thereafter the order of maintenance was passed.

5. I have perused the record.

6. From perusal of record, I find that the petitioner admitted in his cross-examination that he has solemnized second



marriage and he has got three children out of this marriage. The Family Court has recorded the finding that opposite party no. 1 has got reasonable excuse for not staying with the petitioner. If the petitioner can maintain another wife and three children, he can also maintain his first wife. Moreover, the amount awarded by the learned Family Court is Rs. 5,000/- per month and therefore, having regard to the inflation and income of even a labourer, I do not think the amount awarded by the learned Family court is on higher side. Therefore, finding no merit in the present revision petition, the same is dismissed.

(Arun Kumar Jha, J)

Shahnawaz/-

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