

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.653 of 2025

Arising Out of PS. Case No.-135 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Anil Kumar S/o Late Mahendra Singh, Resident of Village- Dhawai, P.O.-
Semri, P.S.- Davath, Distt- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. Vibha Kumari D/o Nandji Singh, R/o Village- Chak Chatar, P.O.- Kovath,
P.S.- Davath, Distt- Rohtas.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Arvind Kumar, Advocate
For the State	:	Ms. Renuka Ratnakar, APP
For the OP No. 2	:	Mr. Rajani Kant Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-06-2026 Heard learned counsel for the parties.

2. The instant revision petition has been filed against the order dated 26.03.2025 in Maintenance Case No. 135 of 2021 passed by the learned Principle Judge, Family Court, Rohtas, Sasaram, whereby and whereunder the learned Family Court allowed ad interim maintenance amount of Rs. 15,000/- from the date of filing of the petition in favour of opposite party no. 2.

3. Learned counsel for the petitioner submits that petitioner is husband of opposite party no. 2 and he is a constable in Border Security Force and is posted in Kashmir. The petitioner entirely depends upon his salary to take care of his family which includes the mother, sister and one brother apart



from his wife (opposite party no. 2) and a minor daughter. The salary of the petitioner is barely Rs. 39,000/- and since he has been posted in hilly area, he has been given some allowance, but the same is not a permanent feature of his salary. Learned counsel further submits that the learned Family Court has not taken into consideration these facts and passed the order merely taking into consideration the salary slip of the petitioner. The petitioner has no other source of income and his house is situated on 675 square feet of land, which is a joint house and except that petitioner does not have any movable or immovable property. He further submits that the order impugned has been passed mechanically by the learned Family Court and hence it is illegal and not sustainable. Learned counsel further submits that the opposite party no. 2 and her brother have also filed cases against this petitioner, who has filed a case for restitution of conjugal rights against opposite party no. 2 *vide* Matrimonial Suit No. 39 of 2021 under Section 9 of Hindu Marriage Act. Learned counsel further submits that the opposite party no. 2 does not want to stay with the petitioner and she has willfully deserted him and she does not deserve any maintenance amount from the petitioner. Altogether five cases have been instituted against the petitioner by opposite party no. 2 and her family members.



4. Learned counsel appearing on behalf of opposite party no. 2 submits that the petitioner has been serving in Border Security Force as Constable and gets Rs. 80,000/- per month. On the other hand, opposite party no. 2 and her minor daughter are having no source of income. The parties have filed affidavits of their assets and liabilities and considering the affidavits of the parties, the learned Family Court has passed the order which is legal and sustainable.

5. Perused the record.

6. Having regard to the submission advanced by the learned counsel for the petitioner, the fact which is much apparent is that the petitioner has been serving in the Border Security Force and as per his own admission, he has been getting Rs. 39,000/- as his monthly salary and he has also been getting Rs. 25,000/- as hill allowance. This fact has been taken note of by the learned Family Court. The learned Family Court has also noted that the petitioner claimed expenses of Rs. 30,000/- on his dependent family members, at the same time it was also noted that the petitioner is under an obligation to maintain his wife and minor daughter. Thereafter, considering all these facts and prevailing circumstances, the learned Family Court ordered a grant of maintenance amount of Rs. 12,000/- to opposite party no. 2 and Rs. 3,000/- to the minor daughter of the



parties as their interim maintenance amount. The petitioner was also given option of making payment of arrear amount in six installments. I find that the order is quite reasonable and has been passed after considering all these facts and circumstances and could not be said to be perverse or suffering from any infirmity or illegality. Whatever might be the contention of the petitioner about opposite party no. 2 not having any reasonable ground for desertion or the petitioner not having a fixed income which has not been taken in consideration by the learned Family Court, the impugned order has been passed for grant of interim maintenance and the petitioner is having every opportunity to bring all these facts to the notice of the learned Family Court prior to the passing of the final order. It is for the petitioner to substantiate his claims and allow to the Court to pass final orders after consideration of the facts if so established by the petitioner, but at this stage, there is no reason for this Court to interfere with the impugned order.

7. Hence, finding no merit in the present petition, the same is dismissed.

(Arun Kumar Jha, J)

Shahnawaz/-

U		T	
---	--	---	--

