

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.802 of 2025

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Md. Shakil S/o Md. Naseem R/o Khagaul, Bari Badalpura, PS- Khagaul,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fatima Jabee D/o Late Akhtar Alam, W/o Md. Shakil Residing at vill -
Bhagwatipur, Amghatta, P.S.- Sitamarhi, Distt.- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Sinha, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP
For O.P. No. 2	:	Mr. Ashhar Mustafa, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 30-06-2026

The present revision petition is directed against the order dated 07.02.2025 passed by learned Principal Judge, Family Court, Sitamarhi in Maintenance Case No. 63 of 2024, whereby and whereunder the learned Family Court has directed the petitioner to make payment of Rs. 10,000/- per month as the amount on interim maintenance to the opposite party No. 2. The learned Family Court also directed the petitioner to pay Rs. 2,000/- to the opposite party no. 2 on each date of hearing and also to pay Rs. 5,000/- as one time legal expenses.

02. Learned counsel for the petitioner, at the outset, submits that the petitioner has already been making payment of



Rs. 10,000/- as interim maintenance amount in terms of order passed by learned Sessions Judge, Sitamarhi in A.B.P. No. 845 of 2024 as the learned Sessions Court directed the petitioner to make payment of interim maintenance amount of Rs. 10,000/- per month till reconciliation between the husband and wife while allowing anticipatory bail to the petitioner. Learned counsel further submits that the petitioner has lost his job and has not been in a position to make payment in terms of order of learned Family Court and he has already been making payment of Rs. 10,000/- per month as interim maintenance amount to opposite party no. 2. Learned counsel further submits that the order of the learned Family Court directing payment of Rs. 2,000/- on each date of hearing is excessive as a number of dates may be fixed in the matter in a single month. Learned counsel further submits that due to harassment and threat by the opposite party no. 2, the petitioner has become jobless. Learned counsel further submits that if the impugned order is allowed to stand it will be very harsh to the petitioner.

03. Learned counsel appearing on behalf of opposite party no. 2 vehemently contends that there is no infirmity in the impugned order and the present revision petition is without any merit. Learned counsel further submits that the petitioner has



been working as Block Cooperative Officer and this fact has taken note by the learned Family Court. Learned counsel further submits that while passing the impugned order the learned Principal Judge, Family Court has made it clear that the interim maintenance amount is the same amount which is being paid by the petitioner in terms of the order of learned Sessions Judge, Sitamarhi. Therefore, there is no extra burden on the petitioner. Learned counsel also submits that allowing the expenses on each date of hearing of Rs. 2,000/- cannot be said to be excessive as there may be only one date or not even a date in a month. Learned counsel also submits that it has been wrongly submitted on behalf of the petitioner that due to threat and harassment from the opposite party no. 2, the petitioner was forced to leave his job. The petitioner voluntarily left his job in order to deprive the opposite party no. 2 from maintenance. Learned counsel also submits that the petitioner and opposite party no. 2 are having a girl child aged 3 years and the opposite party no. 2 has to take care of the child as well. Learned counsel thus submits that the learned Family Court has passed the order after consideration of the facts and circumstances and has also taken note of the submission made on behalf of the petitioner and therefore, impugned order does not require any interference



by this Court.

04. Having regard to the rival submission of the parties and going through the impugned order and the record, it is evident that the learned Family Court has stated in clear terms that the interim maintenance amount would be admitted to be amount being paid by the petitioner to opposite party no. 2 in terms of order of learned Sessions Judge. So, there could be no grievance to the petitioner on this count and he has not been burdened with any extra expenditure towards payment of interim maintenance amount. Furthermore, I do not think the amount of Rs. 2,000/- which has been directed by the learned Family Court to be paid on each date of hearing is excessive. However, the impugned order is an interim order and the petitioner has got every opportunity to support his contention by bringing cogent material and evidence before the learned Family Court to prove his case. By making such submission at the stage of interim order, touching upon the disputed questions of facts, without showing any illegalities, infirmities and irregularities in the impugned order would not make out a case for interference by this Court in the impugned order.

05. Having regard to all these facts and circumstances, I do not find any material to intervene with the



impugned order and hence, the present revision petition is dismissed.

06. Parties are directed to appear for the learned Principal Judge, Family Court and allow the court to pass final order at the earliest. It is also clarified that the amount of Rs. 10,000/- per month which is being paid as interim maintenance amount by the petitioner to opposite party no.2 shall be paid till the final disposal of Maintenance Case No. 63 of 2024 by the learned Family Court, Sitamarhi irrespective of the fact whether the criminal case in which the learned Sessions Judge has passed the order of interim maintenance has been disposed of or not.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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