

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.24 of 2025

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Mohammad Wasim @ Wasim @ Md. Wasim Khan Son of Mohammad Samim Faleria Office, Rambagh, Nakulwa Chowk, P.S. - Mithanpura, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saziya Sultana Wife of Md. Wasim Khan, Daughter of Anzar Ahmad Resident of Rambagh, Nakulwa Chowk, P.S. - Mithanpura, District - Muzaffarpur, at present of Mohalla - Kalibagh Ward No.13, P.S. - Bettiah Town, District - West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sriniwas Jha, Advocate
For the Respondent/s	:	Mr.Syed Ehteshamuddin, APP
For the O.P. No. 2	:	Ms. Nuzhat Parween, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-07-2026

The present petition has been filed for setting aside the order dated 27.09.2024 passed by the learned Principal Judge, Family Court, West Champaran, Bettiah in Maintenance Case No. 27 of 2016 whereby and whereunder the petitioner was directed to make payment of Rs.4,000/- per month as maintenance to his wife and Rs.1,000/- per month to her minor younger son till he attains majority. It was further directed that the petitioner would make payment of Rs.5,000/- per month by 15th day of each calendar month and the order would be effective from the date of filing of the petition i.e., 22.01.2016 and in case of the younger son, the maintenance amount was to



be paid from the date of his birth.

02. Learned counsel for the petitioner submits that petitioner is not in a position to make payment of the amount of maintenance as directed by the learned Principal Judge, Family Court since he plies an auto rickshaw. The petitioner has also the responsibility of his elder son who has been admitted in a private school. The opposite party fled away with Rs.50,000/- and ornaments from her matrimonial home for which a case vide criminal case no. 2303/15 has been instituted by the petitioner. However, these facts were not considered by the learned trial court and the impugned order has been passed.

03. Learned counsel appearing on behalf of the opposite party no. 2 submits that the opposite party is at the stage of starvation. She has been fighting this case since 2016 and the petitioner did not make payment of a single penny to her. The petitioner also forcibly took away the other son of the opposite party. Learned counsel further submits that a meager amount has been given for the maintenance of the opposite party and her son as the learned trial court did not consider the claim of the opposite party regarding income of the petitioner and rather went on the consideration that this petitioner is healthy and an able bodied young man and possesses the earning



potentiality and therefore, has means to support his wife, children and parents and cannot be relieved of his obligation on the ground that he is a poor person and has no sufficient means of income. Thus, learned counsel submits that there is no merit in the present revision petition and hence, the same be dismissed.

04. Perused the record.

05. From perusal of record, I find that the petitioner has contested the case before the learned Family Court and also filed his assets and liabilities certificate. His claim about being a daily wage labourer was considered. Therefore, the learned trial court did not accept the claim of the opposite party that he has not got sufficient means of income and passed the orders after due consideration of the fact that he is an able bodied young man able to earn his livelihood and also to take care of his wife and children apart from his parents. Therefore, the learned Family Court duly considered the submission which is being made today before this Court. Learned counsel for the petitioner has failed to show any illegality, impropriety or irregularity in the impugned order except for making submission on the point of factual re-appreciation but under revisional jurisdiction, this Court is not permissible to re-appreciate the facts as it cannot



substitute its views on the view taken by the learned Family Court.

06. Accordingly, I do not find any merit in the present revision petition and hence, the same is dismissed.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
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