

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.754 of 2025

Arising Out of PS. Case No.- Year-0 Thana- District- Bhagalpur

Vivek Kumar Singh S/O Balram Prasad Singh Village- Sakrohar, P.S.-
Beldour, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pallawi Kumari @ Devi W/O Vivek Kumar Singh Resident of village-
Sakrohar, P.S. Beldour, District -Khagaria. At present-Pallawi Kumari @
Devi, D/O Surendra Prasad Singh, Resident of village-Latti Pakar, P.S.
Gopalpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.
For the Respondent/s : Mr.Surendra Prasad Singh, A.P.P.
For the O.P. No. 2 : Mr. Krishna Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 03-11-2025

Heard both the parties.

02. The present revision petition has been filed to set
aside/modify the order dated 04.06.2025 passed by the learned
Principal Judge, Family Court, Bhagalpur in Maintenance Case
No. 01 of 2019 whereby and whereunder the petitioner has been
directed to pay maintenance of Rs.22,000/- per month to his
wife, opposite party no. 2.

03. Learned counsel for the petitioner submits that the
said order of the learned trial court is not sustainable as it has
been passed against the facts on record. The opposite party no. 2
in her petition has herself stated that the salary of the petitioner



was Rs.46,350/- per month and he has got cultivable land of 3 bigha from which the petitioner has been having income of Rs.2 lakh per annum but this fact was not considered by the learned trial court. Learned counsel further submits that during reconciliation proceeding, the learned trial court of SDJM, Naugachia recorded its finding that the opposite party no. 2 did not want to restore the matrimonial relationship and due to her indifferent approach, the matter could not be reconciled. Considering the attitude of the opposite party no. 2 the provisional bail granted to the petitioner was confirmed. Similarly, before the Court of learned Principal Judge, Family Court, Khagaria, the learned Principal Judge has recorded his observation that the opposite party no. 2 was not willing to settle the matter.

04. Learned counsel further submits that the petitioner has already filed a case under Section 9 of the Hindu Marriage Act, 1955 vide Matrimonial Case No. 25 of 2020 for restitution of conjugal rights before the Principal Judge, Family Court Khagaria. Thus, learned counsel submits that learned trial court has not considered the fact that opposite party no. 2 herself deserted the petitioner and she is not entitled for maintenance amount.



05. Learned counsel for the opposite party no. 2 submits that there is no merit in the contention of the learned counsel for the petitioner. Learned trial court has considered the income of the petitioner and on that basis allowed maintenance amount of Rs. 22,000/- to the opposite party no. 2. In paragraph no. 51 of its order, learned trial court recorded its finding that the net salary of the petitioner after deduction was Rs.90,562/-. Learned counsel further submits that the learned trial court has considered the contention of the petitioner about the petitioner and opposite party no. 2 not living together and held that these allegations are not relevant for the purpose of deciding the petition under Section 125 of the Cr.P.C. Learned counsel further submits that moreover whatever submission has been made on behalf of the petitioner about opposite party no. 2 not showing any inclination for settlement, were part and parcel of the proceedings before the concerned Criminal Court as well as the Court of learned Principal Judge, Family Court and no inference could be drawn from the orders unless any specific finding is recorded against the opposite party no. 2. Thus, learned counsel submits that there is no infirmity in the impugned order and the same is perfectly valid.

06. Perused the record.



07. Having regard to the submission of both the parties, the only ground appears to assail the impugned order dated 04.06.2025 is that the opposite party no. 2 has herself deserted the petitioner and she is taking advantage of this fact. But unless the petitioner is able to get a declaration in his favour in the Matrimonial Case No. 25 of 2020 filed under Section 9 of the Hindu Marriage Act and the opposite party no. 2 fails to justify her desertion, any challenge to the maintenance order is not sustainable. Further the emphasis on claim made by the opposite party no. 2 in her petition seeking maintenance is not of much significance because if that claim was based on the then income of the petitioner, subsequent enhancement of the income would certainly be taken note of by the learned trial court and the learned trial court considered this fact and granted the maintenance amount to the opposite party no. 2 on the basis of admitted salary of the petitioner. It also transpires that the maintenance amount awarded to the opposite party no. 2 is about 25 percent of the net salary of the petitioner which is in tune with the decision of the Hon'ble Supreme Court in the decision of *Rajnish Vs. Neha (2021) 2 SCC 324*. Moreover, this Court in its revisional jurisdiction would not like to reappreciate the facts so as to arrive at a different view from the



learned trial court which is not permissible for revisional Court.

08. Therefore, in the light of the aforesaid discussion, I am of the opinion that the revisionist/petitioner has failed to show an illegality or impropriety in the impugned order and hence, the impugned order dated 04.06.2025 does not need any interference of this Court. Accordingly, the impugned order dated 04.06.2025 is affirmed.

09. Accordingly, finding no merit in the instant petition, the same is dismissed. However, the petitioner may move for modification of the maintenance order, in case, desertion of the petitioner is not found justifiable by any Court of law.

(Arun Kumar Jha, J)

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AFR/NAFR	-
CAV DATE	-
Uploading Date	04.11.2025
Transmission Date	04.11.2025

