

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.800 of 2022

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

Chandan Paswan, Son of Rampukar Paswan, R/O Village- Singhapur, P.S.-
Tikari, District- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Prakash, Wife of Chandan Paswan, D/O Rampukar Paswan, R/O
Village- Singhapur, P.S.- Tikari, District- Gaya, Presently Residing At
Village- Jaitpur, P.S.- Haspura, District- Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sujit Kumar, Advocate Mr. Abhijit Gautam,
For the Respondent/s	:	

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-08-2025

Heard learned counsel for the petitioner and I intend
to dispose of the instant petition at the stage of admission itself.

2. The petitioner is aggrieved by the order dated
08.08.2022 passed by the learned Principal Judge, Family Court,
Gaya in Maintenance Case No. 52/2022 filed by the opposite
party no.2 under Section 125 of the Code of Criminal
Procedure, whereby and whereunder the learned trial court
directed the petitioner to make payment of 12,000/-per month to
the opposite party no.2 on or before 15th day of each month and
this payment was subject to further adjustment of interim
maintenance amount already paid to the opposite party no.2.



3. Only ground to assail the order of the learned Principal Judge, Family Court is that the learned trial court has not taken into consideration the liabilities of the petitioner. Admittedly, the petitioner is constable in RPF. The learned counsel for the petitioner submits that the petitioner has to take care of his two brothers and a daughter of his deceased sister. The petitioner has also taken loan for which installments are to be paid.

4. I have gone through the record and find from the impugned order that the learned trial court took into consideration the salary slip which was filed by the petitioner and it has been noted that after all deductions, salary of the petitioner was about Rs.41,000/-. The petitioner is supposed to first take care of his wife and liabilities of his relatives would be of secondary importance. Moreover, the brothers of the petitioner cannot be considered as his dependents. Further taking care of the daughter of his deceased sister could be a pious obligation, but the same is not a statutory obligation on the part of the petitioner. From the impugned order, it is also not forthcoming that the submission of the petitioner about his liabilities has not been considered by the learned trial court.

5. Therefore, in the light of aforesaid facts and



circumstances, I do not find any illegality, impropriety or infirmity in the impugned order and hence, the order dated 08.08.2022 needs no interference by this Court.

6. Accordingly, finding no merit in the present petition, the same is dismissed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
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