

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.794 of 2016

Arising out of PS.Case No. - Year- Thana - District- PATNA

Pinki Kumari, wife of Barun Kumar Jha @ Barun Kumar, Resident of Village- Indupur, P.S.- Barhia, District- Lakhisarai, at present resident of Mohalla- Dhelwa, P.S.- Ramkrishna Nagar, District- Patna, Permanent address- Late Kailash Prasad, Village- Mikaura Ghat, R.P.S. Centre, P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Lakhisarai.
5. The Deputy Superintendent of Police, Lakhisarai.
6. The Station House Officer, P.S.- Barhia, Lakhisarai.
7. Barun Kumar Jha @ Barun Kumar, son of Brajendra Jha @ Gopal Jha, resident of Village- Indupur, P.S.- Barhia, District- Lakhisarai at present posted as Constable, Bihar Military Police-11, Jamui and accused in complaint case no. 30244/2014 pending in the court of Ragini Kumari, Judicial Magistrate, 1st Class, Patna and complaint Case No. 28 (C)/2015 pending in the court of S.D.J.M., Barh.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Padarath Singh, Advocate.

For the Respondent/s : Mr. Apurva Kumar, A.C. to G.A. 4

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 19-09-2016

Heard learned counsel for the parties.

2. The grievance of the petitioner is that she has been awarded maintenance at the rate of Rs. 2,000/- per month but the said maintenance amount is not being paid to her even though her husband is working in Bihar Military Police.

3. A perusal of the record shows that in a case (Matrimonial Case No. 10/2015) filed by Respondent No. 7 in the

court of Principal Judge, Family Court, Lakhisarai seeking dissolution of marriage, the learned trial court has allowed maintenance of Rs. 2,000/- per month to the petitioner and Rs. 200/- per month to her child on 8th of February, 2016 but since the said amount was not being paid, petitioner sought the distress warrant by filing an application on which the court has passed an order on 25th of May, 2016.

4. The husband of the petitioner is working as Constable in Bihar Military Police, Unit-11, Jamui. Therefore, the Commandant of the said Unit is directed to deduct the amount of monthly maintenance from the salary of her husband (Respondent No. 7) and remit the same to the Principal Judge, Family Court, Lakhisarai every month including the arrears in suitable installments.

5. With the aforesaid direction and liberty, the writ application stands disposed of.

(Hemant Gupta, J)

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