

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3961 of 2016

In
Criminal Writ Jurisdiction Case No.794 of 2016

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Pinki Kumari @ Pinky 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. Ramkrishan Nagar, District- Patna,
Permanent address- Late Kailash Prasad, village- Mikaura Ghat, R.P.S.
Centre, P.S. - Mokama, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar, Through The Director General Of Police Bihar, Patna &
Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Smt. Pinki Kumari @ Pinki Kumary (in person)
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3
For Private Respondent	:	Mr. Pankaj Kumar Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 22-11-2017

From the report submitted by the Chief Judicial
Magistrate, Lakhisarai after enquiry and on going through the
report dated 6.10.2017, it is seen that respondent No.7 Barun
Kumar Jha @ Barun Kumar is not working in the B.M.P. Unit at
Jamui and, therefore, now the order passed by the Principal Judge,
Family Court, Lakhisarai, for recovery from his salary cannot be



given effect to as the respondent No.7 is not working in the Unit in question.

That being so, the applicant is granted liberty to bring these facts to the notice of the Family Court, Lakhisarai to pass appropriate order with regard to grant of maintenance to the applicant and children. The Family Court shall not pass fresh orders with regard to recovery of the maintenance from the respondent in accordance with law and as fixed by this Court.

Let a photo copy of the report of the Chief Judicial Magistrate, dated 6.10.2017 be forwarded to the Family Court, Lakhisarai, along with this order.

This Court has initiated action for contempt as the amount of Rs.2000/- per month was to be recovered from respondent No.7 who was said to be working in Bihar Military Police, but now as it is found that he is not working as a Constable in the said Unit, the Family Court shall take such steps for recovery of the amount as fixed by the Family Court and modified by this Court on 19.9.2016 in Cr.W.J.C. No.794 of 2016.

The Family Court shall ensure that the amount of maintenance is recovered from the respondent in accordance with law within a period of two months from the date of receipt/production of a copy of this order and liberty shall be



available to the Family Court to take all such steps including coercive step for recovery of the amount.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.11.2017
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