

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.387 of 2020

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

Sanjay Kumar Thakur @ Sanjay Thakur S/o Shri Jay Ram Thakur Resident of village and Post-Warisvan, P.S.-Shahpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sandhya Devi W/o Sanjay Kumar Thakur, D/o Sudama Thakur Resident of Village and Post-Warisvan, P.S.-Shahpur, District-Bhojpur, Presently resides at Village-Doghara, Post-Bihiya Chourasta, P.S-Bihiya, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar Sinha, Adv.
For the Respondent/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-12-2021 Heard learned counsel the petitioner and learned counsel for the State.

I.A. No. 01 of 2021

This interlocutory application has been filed for condonation of delay of about 777 days in filing this application.

For the reasons stated in the interlocutory application and after considering the submissions, the interlocutory application is allowed and delay in filing the present application is condoned.

I.A. No. 01 of 2021 is disposed of.

The present revision application has been filed for



setting aside the order dated 06.02.2018 passed by the learned Principal Judge, Family Court, Ara in Civil Miscellaneous Case No. 17 of 2016, whereby it is directed to issue letter to the office of the petitioner for making deduction from his salary to pay the amount as maintenance to the opposite party no. 2 for execution of the order dated 29.04.2016 passed as ex-parte in Maintenance Case No. 184 of 2012 by the learned court below.

Learned counsel for the petitioner submits that the ex-parte order has been passed by the learned court below without hearing the petitioner. Learned counsel for the petitioner further submits that the learned court below vide order dated 06.02.2018 directed the office of the petitioner to issue letter for making deduction from his salary to pay the amount as maintenance to the opposite party no. 2. In follow up the order, a letter no. 71 dated 13.03.2018 was issued by the learned court below to the Commanding Officer of the petitioner and further reminder was issued for the same. Petitioner has also filed a petition to stay the proceeding which is pending in the learned court below.

Considering the facts and circumstances of the case, order dated 06.02.2018 is stayed and the learned court below is directed to pass a reasoned and speaking order after hearing



both the parties.

In the meantime, petitioner is directed to pay Rs. 8000/- per month to opposite party no. 2 till disposal of the application.

With the aforesaid observation and direction, this application is disposed of.

(Anjani Kumar Sharan, J)

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