

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15655 of 2023**

Arising Out of PS. Case No.-419 Year-2014 Thana- NAWADAH COMPLAINT CASE  
District- Nawada

=====

Gorelal Yadav, Son of Sri Saryu Yadav, R/O VIP Colony, East of DAV School  
at P.S. and District- Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Smt. Priyanka Bharti Wife of Sri Gorelal Yadav, D/O Sri Krishna Kumar  
R/O Pakriwarawn Thana Road, P.S.- Pakriwarawan, District- Nawada
3. Sri Krishna Kumar Son of Suraj Yadav, R/O Pakriwarawn Thana Road, P.S.-  
Pakriwarawan, District- Nawada

... .. Opposite Parties

=====

**Appearance :**

|                         |   |                                                                 |
|-------------------------|---|-----------------------------------------------------------------|
| For the Petitioner      | : | Mr. Alok Kumar Sinha, Sr. Advocate<br>Mr. Bhola Kumar, Advocate |
| For the State           | : | Mr. Shyam Kumar Singh, APP                                      |
| For the O.P. Nos. 2 & 3 | : | Mr. Arun Kumar, Advocate                                        |

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

8      05-10-2023                      Heard Mr. Alok Kumar Sinha, learned senior counsel  
  
for the petitioner, Mr. Arun Kumar, learned counsel for Opposite  
  
Party Nos. 2 & 3 and Mr. Shyam Kumar Singh, learned APP for  
  
the State.

2. At the outset, Mr. Sinha, learned senior counsel  
  
submits that since the Opposite Party No. 3 has already  
  
withdrawn his *Vakalatnama* from the case, the ground on which  
  
the present application was brought seeking transfer of the case  
  
to another district has vanished and the same cannot be pressed.  
  
Learned senior counsel, therefore, submits that this application  
  
has become infructuous insofar as the reliefs prayed in this



application are concerned.

3. Mr. Arun Kumar, learned counsel for O.P. Nos. 2 & 3 submits that O.P. No. 3 is 72 years old father of O.P. No. 2 who is herself suffering from heart disease. Narrating the petty condition of O.P. No. 2, learned counsel submits that this petitioner, who is an Excise Inspector presently posted at Jamshedpur, is having his salary and emoluments of about Rs.1,00,000/- per month but he is not regularly paying the sum of Rs.3,000/- which he had agreed to pay at the time of obtaining regular bail from the court of learned Sessions Judge, Nawada vide order dated 03.11.2016 in Bail Petition No. 1019 of 2016 (Gorelal Yadav versus the State of Bihar). This way, he is in breach of the order of the court and being a public servant, his conduct is required to be taken note of.

4. This Court has also been informed that the petitioner is not paying the sum of Rs.1,000/- which was awarded on account of litigation expenses per month vide order dated 05.07.2018 passed by learned Principal Judge, Family Court, Nawada in Maintenance Case No. 23 of 2016. Learned counsel has, therefore, highlighted that the petitioner, who is in Central Government service and is earning handsomely, is using litigation as a tool in his hand by dint of money to harass



Opposite Party No. 2 and avoids the responsibility to pay the amount in terms of the order of the court.

5. Having realised the difficulty in defending the petitioner, Mr. Sinha, learned senior counsel for the petitioner submits that the petitioner will pay the entire outstanding amount which is said to be Rs.1,08,000/- up to August 2023 within a period of two months from today. Learned senior counsel also submits that the petitioner will continue to pay the current amount every month within first seven days.

6. Having regard to the statements made by learned senior counsel for and on behalf of the petitioner, this Court is disposing of the present application with a clear stipulation that both the cases pending in the court of learned Sub-Divisional Judicial Magistrate, Nawada and in the court of learned Principal Judge, Family Court, Nawada shall proceed expeditiously. This Court would expect that learned Principal Judge, Family Court, Nawada disposes of the Maintenance Case No. 23 of 2016 within a period of six months from the date of receipt/communication of a copy of this order. No uncalled for adjournment shall be granted. The court will keep in mind that the maintenance case is pending for the last seven years.

7. Further, it is observed that if the petitioner fails to



pay the arrears and the amount as noticed above within the given period of two months, his Drawing and Disbursing Officer shall be communicated about the outstanding liability of the petitioner in terms of the Court's order and such communication shall be made by the Office of the Commissioner, Central Tax, Audit, Patna, 4<sup>th</sup> Floor, C.R. Building (Annexe), Birchand Patel Marg, Patna-800001. The Drawing and Disbursing Authority shall be obliged to deduct the amount outstanding as well as the current amount from the salary of the petitioner and shall keep on remitting the same to Opposite Party No. 2.

8. The interim order dated 19.06.2023 passed in this case stands vacated.

9. This application is disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

