

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30929 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Birju Prasad Singh @ Birendra Prasad son of Late BHumneshwar Singh
resident of Mohalla-Sundargarh, P.O. and P.S.- Bihar Sharif, District-Nalanda.
A/P- Police Line P.S.-Kotwali

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Radha Devi Wife of Late Rohit Choudhary
3. Pratima Kumari daughter of Late Rohit Choudhary
4. Vikram Kumar Minor Son of Late Rohit Choudhary living under the guardianship of his mother Radha Devi No.- 2 to 4 resident of Babua Ghar, Hanuman Mandir, P.S.- Kotwali, P.O. and District-Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chitranjan Kumar, Advocate, J.C to Mr. Manoj Kumar Jha, Advocate, AOR, 3083

For the Opposite Party/s : Mr. Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 27-09-2023 The present miscellaneous case has been filed against the order dated 03.03.2016 and 03.05.2016 passed by Ld. Principal Judge, Family Court, Munger in Miscellaneous Case No. 216 of 2014.

2. Vide Order dated 03.03.2016, Ld. Principal Judge, Family Court has directed the DDO S.D.P.O., Sadar-cum-Account Officer, under S.P (Police), to deduct the maintenance amount from the salary of the Petitioner and pay the same to the Respondent-wife. As per the impugned order, Rs. 3,94,000/- is due against the Petitioner-Husband to be paid towards the



maintenance of his Respondent-Wife-Radha Devi. Vide order dated 03.05.2016, Ld. Principal Judge, Family Court has also directed to issue a non-bailable arrest warrant against the Petitioner for non-compliance of the maintenance order.

4. Ld. counsel for the Petitioner submits that the impugned order is not sustainable in the eye of law. However, Ld. counsel for the Respondent No.2,3 and 4 submits that there is no illegality or infirmity in the impugned order and the petition is liable to be dismissed with cost.

5. This Court is of considered opinion that the Petitioner can impugn only one order in this criminal proceeding and a separate case may be filed to challenge the other impugned order.

6. Hence, the present petition is being disposed of in the light of the impugned order dated 03.03.2016 with liberty to the Petitioner to file a separate case as per law, challenging the impugned order dated 03.05.2016.

7. On perusal of the material on record and considering the submission advanced by both the parties, this Court finds that when maintenance amount is due against the Petitioner, who is in government service, there is no illegality in the impugned order whereby Ld. Principal Judge, Family Court



has directed the DDO of the Petitioner-Employee to deduct the maintenance amount from salary and pay the same to the Respondent Nos. 2 to 4.

8. Hence, the present petition, being shorn of any merit, is dismissed, and the Respondent No. 2 to 4 are at liberty to file appropriate application before the Family Court for release of the deposited amount in pursuance of this court order dated 09.08.2016.

(Jitendra Kumar, J)

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