

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL REVISION No.784 of 2015

Arising Out of PS. Case No.-262 Year-2009 Thana- BHAGWAN BAZAR District- Saran

Shobhit Kumar Sourabh son of Umanath Sharma, resident of Mohalla-
Bhagwan Bazar, Bharat Milap Chowk, P.S. Bhagwan Bazar, District Saran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rashmi Kumari W/o Shobhit Kumar Sourabh @ Shobhit Sourav, D/o Shri Ram Singar Sharma, R/o Mohalla- East Gola Road, P.S. Danapur, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Respondent/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 7 26-09-2023 1. The maintenance case, bearing Maintenance Case No. 161(M) of 2010, was filed by the opposite party no. 2 against the petitioner, who happens to be the husband of the opposite party no. 2, seeking maintenance amount of a sum of Rs. 50,000/-. Learned Additional Principal Judge, Family Court, Patna, by his order, dated 22.05.2013, directed the petitioner to pay a sum of Rs. 13,000/- (Rupees Thirteen Thousand) per month to the opposite party no. 2 as ad-interim maintenance from the date of order.



2. Bhagwan Bajar Police Station Case No. 262 of 2009 was also lodged by the opposite party no. 2 against the petitioner under Section 498(A) and 307 of the Indian Penal Code, in which, the petitioner approached this Court for grant of anticipatory bail in Criminal Miscellaneous No. 532 of 2013.
3. A Co-ordinate Bench of this Court *vide* its order, dated 06.08.2014, granted provisional bail to the petitioner, which was confirmed on 25.03.2015, subject to the payment of a sum of Rs. 13,000/- (Rupees Thirteen Thousand) per month to opposite party no. 2 after deducting Rs. 7,000/-, which was ordered to be paid by this Court.
4. Mr. Harsh Singh, learned counsel appearing on behalf of the petitioner, raises limited grievance that this Court, while granting anticipatory bail, directed the petitioner to pay a sum of Rs. 13,000/- (Rupees Thirteen Thousand) per month to the opposite party no. 2 as a condition for confirmation of provisional bail, but by the impugned order, dated 10.06.2015, learned Additional Sessions Judge IX, Saran at Chapra, miss-interpreted the order of the Family Court, granting interim maintenance, and



order of this Court, and while confirming the provisional bail, has directed the petitioner to pay arrears of the interim maintenance from the date of filing of the maintenance case, whereas, while granting interim maintenance, learned Family Court has directed for payment of ad-interim maintenance from the date of order.

5. He further submit that the date of order of ad-interim maintenance is 22.05.2013, whereas, the date of filing of maintenance application by the opposite party no. 2 is of the year 2010. As such, the petitioner was compelled to pay the maintenance amount for nearly three years, over and above the amount, which was directed by the Family Court as well as by the Hon'ble High Court in its order of bail.
6. Accordingly, his submission is that the excess maintenance amount paid to the opposite party no. 2 may be adjusted at the time of final disposal of the maintenance case, which is still pending.
7. I have heard learned counsel for the petitioner.
8. No one appears on behalf of the opposite party no. 2.
9. Upon perusal of the order of the Family Court, it is



apparent that the Family Court passed the order of ad-interim maintenance for a sum of Rs. 13,000/- (Rupees Thirteen Thousand) per month from the date of order i.e. 22.05.2013.

10. Since, the maintenance case is pending for the last thirteen years i.e. since 2010, before the Family Court, I direct learned Additional Principal Judge, Family Court, Sara at Chapra, to dispose the maintenance case as early as possible, preferably within a period of six months from today.

11. It is made clear that no unnecessary adjournments shall be granted to the parties concerned.

12. While deciding the maintenance case, learned Family Court will take into consideration the contention of the petitioner raised before this Court, regarding the payment of ad-interim maintenance by him in favour of the opposite party no. 2, which according to the petitioner, has been paid in excess for nearly three years i.e. from the date of filing of the maintenance case, whereas, the order of the Family Court, granting interim maintenance, directed the petitioner to pay the maintenance from the date of order.



13.With the aforesaid observations and directions, this application is disposed.

(Anil Kumar Sinha, J)

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