

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70273 of 2025**

In

CRIMINAL MISCELLANEOUS No.1567 of 2024

Arising Out of PS. Case No.-877 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Vijay Kumar Thakur Son of Late Ram Jatan Thakur R/O VILL-BALAHA
JAY NARAYAN WARD NO-13, PS-CHAKMAHESI, DIST-SAMASTIPUR

... .. Petitioner

Versus

1. The State of Bihar
2. Reshami Kumari Wife of Vijay Kumar Thakur village- Mathurapur, Near ice
Factory, Ps- Warisnagar, Dist- Samastipur

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Amit Kumar

For the Opposite Party/s : Mr.Ahmad Ali

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This petition has been filed for modification of
order dated 16.4.2024, passed in Cr.Misc. No. 1567/2024.

3. Learned counsel for the petitioner submits that
opposite party no.2 is working as contractual ANM HSC/HWC
at Masina Community Health Centre, Khanpur, Samastipur,
whereas petitioner is unemployed and so he is unable to deposit
interim maintenance of Rs.3000/- per month to opposite party
no.2.

4. Interim maintenance is intended to provide
minimum financial support to a spouse or partner to avoid



starvation during pendency of divorce or separation proceedings. Further, Courts usually evaluate overall financial circumstances of both parties including other resources or assets before directing the petitioner to pay interim maintenance to his wife.

5. In this case, from perusal of paragraph – 6 of the impugned order, it is apparent that petitioner was directed to pay the aforesaid maintenance amount on the offer of petitioner himself and as such, no modification is required at this stage. This issue, raised by the petitioner, can only be decided during trial after evaluating the evidence adduced on behalf of the parties.

6. This modification petition is accordingly dismissed.

(Prabhat Kumar Singh, J)

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