

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79492 of 2025

In
CRIMINAL REVISION No.1075 of 2019

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Sanjay Kumar, S/o Kailash Prasad, R/o vill- House No 30, Sector 11, Noida,
PS - Noida, District - Gatam Buddh Nagar UP

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjani Devi, W/o Sanjay Kumar, R/o Mohalla - East Mohan Bigha, Kali Asthan, Dehri, P.S.- Dehri, Distt.- Rohtas.
3. Aarv Gautam, S/o Sanjay Kumar, R/o Mohalla - East Mohan Bigha, Kali Asthan, Dehri, P.S.- Dehri, Distt.- Rohtas, under the guardianship of her mother arranged as opp no. 2

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Verma

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

- 6 24-03-2026 The present Misc. case was filed on 13.11.2025 for modification of the order dated 24.04.2025 passed in Cr. Revision No. 1075 of 2019 whereby the impugned order dated 06.03.2018 passed by learned Principal Judge, Family Court, Rohtas at Sasaram in Maintenance Case No. 109 of 2013 was set aside and the matter was remanded to the Family Court to pass a fresh order giving opportunity to the petitioner to file objection to the maintenance petition and giving opportunity to both the parties to adduce evidence. The petitioner was also directed to pay interim maintenance @ Rs.20,000/- per month from the date of filing of the maintenance petition i.e.



03.08.2013 and the petitioner was also directed to pay the total arrears in three installments. Learned Family Court was also directed to conclude the maintenance case along with Matrimonial petition bearing No. 360 of 2019 within four months and give report to this Court without fail. As such, the main Maintenance petition bearing No. 109 of 2018 was required to be concluded by 25th of August, 2025 because the order was given on 24.04.2025, but there is no such report by learned court below. It also transpires that learned Principal Judge, Family Court has not even sought any extension of time for conclusion of the Proceeding.

2. This modification petition was filed by the petitioner on 13.11.2025 by which time the court below already committed contempt of this Court by not complying with the order dated 24.04.2025 passed in Cr. Revision No. 1075 of 2019 by this Court. However, learned counsel for the petitioner had not pointed out to this Court that the order which was sought to be modified was already violated by the court below and the court below was therefore liable to face contempt of court proceeding and there was no occasion for any modification thereof.



3. Hence, this Modification petition is dismissed.
The interim order dated 06.01.2026 passed by this Court stands infructuous losing its enforceability.

4. Learned Family Court is directed to show cause as to why contempt of the court proceeding should not be initiated against him and this show cause must be put up before this Court along with the record of the Cr. Revision No. 1975 of 2019.

5. In case the petitioner has not made payment to the Opposite Parties in terms of the order dated 24.04.2025, learned Principal Judge, Family Court must take coercive measure against him for enforcement of the maintenance order.

S.Ali/-

(Jitendra Kumar, J)

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