

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1122 of 2025**

Vijay Kumar Mahto Son of Ram Narayan Matho, Resident of village - Jakhar Tola Bishanpur, P.O.- Jakhar, P.S.- Rosera, Dist.- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Babita Devi Wife of Vijay Kumar Mahto Daughter of Late Ram Awtar Mahto, Resident of Jakhar Tola Vishanpur, P.O.- Jakhar, P.S.- Rosera, Dist.- Samastipur. Parents address of O.P. No. 2 village - Chakmehsi, P.S.- Chakmeshi, Dist.- Samastipur at present resident at C. Road 158/1-52 Gachhi P.S. Lilua, P.O.- Salkiya, P.S.- Salkiya, Dist.- Kolkata, West Bengal Mobile No. 08961202347.
3. Nikhil Kumar Minor Son of Vijay Kumar Mahto Under Legal Guardianship of his mother namely Babita Devi, Daughter of Late Ram Awtar Mahto, Resident of Jakhar Tola Vishanpur, P.O.- Jakhar, P.S.- Rosera, Dist.- Samastipur.

... .. Respondents

**Appearance :**

|                     |   |                                                                                                           |
|---------------------|---|-----------------------------------------------------------------------------------------------------------|
| For the Petitioner  | : | Mr. Uma Shankar Singh, Advocate<br>Mr. Shishir Kumar Shishir, Advocate<br>Mr. Binod Kumar Sinha, Advocate |
| For the Respondents | : | Mr. Binod Kumar, APP                                                                                      |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 28-07-2026**

**Re: I.A. No. 01 of 2026**

Heard learned counsel for the petitioner.

2. The instant interlocutory application has been filed for condonation of delay of 233 days in filing of the present revision petition. It is though wrongly mentioned in the interlocutory application as 2356 days.

3. Learned counsel for the petitioner submits that the petitioner initially appeared in the Maintenance Case No. 176 of 2016 on 20.10.2016. However, subsequently the



petitioner suffered from heart problems and could not appear in the case and the case was fixed for ex parte hearing and judgment was delivered on 12.02.2019. But the petitioner was not aware about passing of such judgment. Only when the Execution Case No. 35 of 2019 was filed, in which *vide* communication dated 20.07.2025 and 28.07.2025, the Circle Officer directed the petitioner to deposit Rs. 16,05,000/-, then the petitioner became aware about passing of the judgment in the maintenance case. Learned counsel further submits that due to his illness the petitioner could not appear and could not come to know about the decision of the learned Principal Judge, Family Court, Samastipur. There was no deliberate delay or any negligence on part of the petitioner, but it was due to medical condition of the petitioner.

4. Perused the record.

5. Admittedly, the petitioner appeared before the learned trial Court of Principal Judge, Family Court, Samastipur in Maintenance Case No. 176 of 2016 on 20.10.2016. The learned trial Court has taken note of the fact that the petitioner remained absent and subsequently he did not file his show cause though sufficient time was given to him and the case proceeded for ex parte hearing *vide* order dated 12.05.2017. Now the



petitioner claims he has been suffering from medical condition, but not a chit of paper has been brought on record to show that petitioner suffered from this condition from the date of his first absence till the passing of the order. It is also very surprising that though the petitioner appeared in the year 2016, he failed to enquire about the fate of the maintenance case even after his recovery. From perusal of record I also find that son of the petitioner with date of birth 22.12.2009 was also a party in the maintenance case. It appears rather callous on part of the petitioner that he failed to consider the plight of his wife and his minor son, who filed the maintenance case and now very conveniently, the petitioner has submitted that he developed some medical condition and for this reason he did not appear and did not challenge the order of the learned Principal Judge, Family Court, Samastipur passed in Maintenance Case No. 176 of 2016 *vide* order dated 12.02.2019.

6. I find the reason given by the petitioner for condonation of delay to be merely a ruse and not at all believable. Hence, finding no merit in the interlocutory application no. 01 of 2026, the same is dismissed.

**Re: Criminal Revision No. 1122 of 2025**

7. Since the present revision petition is hopelessly



barred by the limitation and this Court has already passed order for the dismissal of the limitation petition, finding the present revision petition barred by the limitation, the same is dismissed.

**(Arun Kumar Jha, J)**

Shahnawaz/-

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