

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50660 of 2012

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1. Umesh Prasad Singh S/O Mahendra Narayan Singh Resident Of
Mainpura, P.S- Pataliputra, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary, Department Of Law
Govt. Of Bihar, Patna.

2. Sapana Kumari W/O Umesh Prasad Singh And D/O Sri Kranti Singh At
And P.O- Sanbauli, P.S- Chitragupta Nagar, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Binod Kumar No.3 (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 07-05-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner submits that
petitioner has been paying Rs.4,000/- under Section 24 of the
Hindu Marriage Act to opposite party no.2 and also paying
Rs.2,000/- for maintenance of his daughter. The present
proceeding under Section 125 of the Code of Criminal
Procedure is nothing but an additional harassment to the
petitioner in view of the fact that opposite party no.2 is
getting substantial amount for her maintenance. He has
further submitted that petitioner has filed an application
before the Principal Judge, Family Court, Khagaria raising a

point of non-maintainability of the application which is pending for disposal and the court below is not deciding the issue of maintainability under Section 125 of the Code of Criminal Procedure.

In view of the aforesaid fact, the court below is directed to consider the application of the petitioner about maintainability and he will pass the order on merit in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order. This Court is not giving any opinion on the merit of the case.

Accordingly with the aforesaid observation this application is disposed of.

(Shivaji Pandey, J)

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