

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.283 of 2016

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1. Ashok Prasad, son of Vishwanath Prasad @ Vishwanath Mahto, resident of village- Karanmeya Pandey Tola, Police Station- Bettiah Mufassil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Indu Devi, wife of Ashok Prasad, daughter of Raghunath Mahto, resident of village- Karanmeya Pandey Tola, Police Station- Bettiah Mufassil, District- West Champaran, at present resident of Padukiya, Police Station- Chanpatia, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra -Advocate

For the Opposite Party/s : Mr. Sucheta Yadav(A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 20-01-2017

This application has been filed for quashing the order dated 02.11.2015 passed by the learned Principal Judge, West Champaran at Bettiah in Maintenance Case No.278M of 2011, by which petitioner was ordered to pay Rs.1500/- as interim maintenance.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

The only grievance which the petitioner carries against the order impugned is with regard to quantum of interim maintenance having been granted by the learned lower court on the plea that he is additionally paying Rs.750/- as directed by the High Court while considering the prayer for anticipatory bail.



From the order impugned, it is evident that no such plea was ever taken by the petitioner before the learned lower court. Section 127 of the Cr.P.C. looks pertinent to care the grievances having been made on behalf of petitioner, which the learned lower court, on being prayed on behalf of petitioner, would exercise, if so necessitate.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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