

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31976 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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Arvind Kumar, son of Sri Ram Prasad, resident of village- Gijwahi, P.S.- Sasaram,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Rani, wife of Sri Arvind Kumar, daughter of Sri Heera Lal Prasad,
resident of village- Rassi Bagan, East Nawada, P.S.- Ara Nawada, District-
Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the State : Smt. Nirmala Kumari,

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 31-08-2018

This application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has been filed by the petitioner for quashing the order dated 08.12.2018 passed by learned Principal Judge, Family Court, Bhojpur at Ara in Maintenance Case No. 64 of 2017 whereby he directed the petitioner to pay interim maintenance of rupees ten thousand per month to opposite party no.2 and rupees two thousand per month to her daughter and litigation cost of rupees thirty thousand.

2. The application for maintenance was filed under Section 125 of the Cr.P.C. In **Md. Akil Ahmad vs. The State of Bihar and Anr reported in 2016 (4) PLJR 968**, the Division Bench



of this Court has held that against an order of interim maintenance passed in a proceeding under Section 125 of the CrPC, an application under Section 482 of CrPC would not be maintainable. The Bench has further held that only an application under Article 227 of the Constitution of India would be maintainable against such order.

3. In that view of the matter, this application is dismissed as not maintainable.

4. However, the petitioner would be at liberty to challenge the impugned order by way of filing an appropriate application under Article 227 of the Constitution of India before this Court.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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