

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5658 of 2018

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

Manoj Kumar Maharaj, Son of Nishikant Maharaj, resident of Village- Singhwara,
Police Station- Singhwara, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Sunita Devi, Wife of Manoj Kumar Maharaj, daughter of Sri Chandeshar Sharma, Resident of Village- Maker, P.S.- Maker, District- Saran, Bihar.

.... Opposite Parties

Appearance :

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

For the Opposite Party/s : Mr. Rajballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 19.09.2017 passed by the learned Principal Judge, Family Court, Saran at Chhapra in Maintenance Case No.160 of 2013 whereby and whereunder the learned Principal Judge has directed the petitioner to pay ad interim maintenance allowance of Rs.5,000/- per month to the opposite party.

2. The application for maintenance was filed under Section 125 of the CrPC. In **Md. Akil Ahmad vs. The State of**



Bihar and Anr reported in **2016(4) PLJR 968**, a 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 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.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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