

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38930 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Md. Aftab Alam
 2. Md. Wasi
 3. Md. Razi Ahmad @ Razi Ahmad
All sons of late Md. Jalauddin All are residents of Mohalla - Milki Mohalla,
P.S. - Ara Town, P.O. - Ara Chauk, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Miskina Khatoon wife of late Md. Jalauddin
3. Sabnaj D/o late Md. Jalauddin
O.P. Nos. 2 and 3 are residents of Mohalla - Milki Mohalla, P.S. - Ara Town,
District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-09-2019 Opposite Party Nos.2 and 3 had brought a case against the petitioners under Section 125 Cr.P.C. before the learned Principal Judge, Family Court, Bhojpur at Ara, vide Maintenance Case No.108 of 2014. The petitioners filed the petition before the learned Court-below on 24.03.2015 stating therein that application under Section 125 Cr.P.C. is not maintainable.

By the impugned order dated 10.05.2016, the learned Court-below refused the prayer of the petitioner and adjourned the matter for hearing on the petition pending for ad interim



maintenance.

Evidently, the impugned order is an intermediary order for the reason that if the same would have been passed in favour of the petitioners it would have finally disposed of the application under Section 125 Cr.P.C. Hence, the remedy to the petitioners is available under Section 19(4) of the Family Courts Act. Therefore, petitioner is permitted to convert this application filed under Section 482 Cr.P.C. into a proper application/appeal within two weeks.

(Birendra Kumar, J)

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