

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1162 of 2018

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

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Amit Kumar, aged about 35 years, Son of Sri Ram Bilash Prasad, Resident of Flat No.- D- 4, Shambhavi Apartment, A- Block, Bhootnath Road, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District & Town- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Akanksha, aged about 32 years, Daughter of Ram Naresh Kumar, Resident of Patel Nagar, behind Patel College, Nai Sarai, Biharsharif, P.O.+ P.S.- Biharsharif, District- Nalanda, at present address- residence of her father, Biri Majdur Hospital, Ansar Nagar, Bypass Road, Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Prasad Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the opposite party/s	:	Mr. Sudhir Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-11-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the opposite party no. 2, who has *suo motu* appeared.

2. The petitioner has moved the Court under Section 19(4) of the Family Courts Act, 1984, against the order dated 23.06.2018 under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') by the Principal Judge, Family Court, Nalanda at Biharsharif in Maintenance Case No. 90M of 2015, by which he has been directed to pay maintenance



of Rs. 16,000/- per month to the opposite party no. 2, who is the wife.

3. After some arguments, learned counsel for the petitioner submitted that in view of the facts, which have been known to the petitioner, after passing of the impugned order, the present application be disposed off with liberty to file an appropriate application before the Court below under Section 127 of the Code.

4. In view thereof, the application stands disposed off with liberty aforesaid.

5. The petitioner shall be at liberty to raise all issue of fact and law available to him which shall be considered by the Court below on its own merit without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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