

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.112 of 2017**

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

Milind Kumar Madan son of Shri Kameshwar Prasad Singh, Resident of
Village- Lahania, P.S.- Triveniganj District- Supaul.

... .. Petitioner

Versus

1. The State Of Bihar Through Law Secretary, Government Of Bihar, Patna
2. Arpan Kumari @ Sonali Singh, wife of Shri Milind Kumar Madan and daughter of Shri Nityanand Singh, resident of Village- Jurauli, P.S.- Pipra, District- Supaul.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Sinha, Advocate
For the Respondent/s : Mr. Ajit Kumar, AC to GA 7

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 02-09-2022 The petitioner is aggrieved by an order passed under
Section 125 Cr.P.C. by which interim maintenance has been allowed.

Learned counsel for the petitioner submits that he has filed this application under Articles 226 and 227 of the Constitution of India, however, in view of the Hon'ble Division Bench Judgment of this Court in the case of **Md. Akil Ahmad vs. The State of Bihar & Ors.** reported in **2016 (4) PLJR 968**, the impugned order directing payment of interim maintenance may be challenged in an application under Article 227 of the Constitution of India.

In this Court, the application under Article 227 of the Constitution of India is being registered as civil miscellaneous cases having different roster.

In the aforesaid view of the matter as prayed, learned



counsel is permitted to convert this application and confine itself under Article 227 of the Constitution of India. He may do so within a period of 3 weeks from today. The Stamp Reporter shall submit its report thereafter and after removal of defects, the matter will be placed before the appropriate Bench as per roster.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

