

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.513 of 2017

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

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Brij Kishore Prasad @ Brij Kishore Sah S/o Late Laxmi Sah, Resident of
Village- Katahan, P.S.- Motihari Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

Most. Shivrati Devi W/o Laxmi Sah, Resident of Village- Katahan, P.S.-
Motihari Muffasil, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-06-2023 Heard the parties.

2. The petitioner has preferred this revision petition
against order of *ad interim* maintenance dated 05.01.2017
passed by Principal Judge, Family Court, East Champaran,
Motihari.

3. In view of law laid down by the Division Bench of
this Court passed in *Cr. Misc. No. 22165/2016 (Md. Akil
Ahmad v. State of Bihar)* the order granting *ad interim*
maintenance under Section 125 CrPC is an interlocutory order
and no revision is maintainable under Section 397(2) CrPC. The
Division Bench of this Court in the case of *Md. Akil Ahmad
(supra)* has held that against the order of *ad interim*
maintenance, the only remedy available to the petitioner is to



file an application under Article 227 of the Constitution of India before this Court.

4. In view of the aforesaid, this application is not maintainable and is, accordingly, dismissed with the liberty to the petitioner to file an appropriate application before this Court under Article 227 of the Constitution of India.

(Anil Kumar Sinha, J)

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