

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.327 of 2017

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

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Rani Devi Wife of Raj Bardhan Singh, Resident of Village- Rudipokhar, P.O.- Ghataro, P.S.- Lalganj, District- Vaishali and presently address Daughter of Late Ayodhya Singh, Resident of Village- Malkauli, P.O.-Bhanborhan (Mahua), P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Bardhan Singh, Son of Late Prahlad Singh, Resident of Village- Rudipokhar, P.O.- Ghataro, P.S.- Lalganj, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Respondent/s : Mr. Sri Dilip Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 24-04-2023

Learned counsel for the petitioner and learned counsel for the State are present.

It transpires from the record that opposite party no.2 have appeared through vakalatnama but upon repeated call, not present to defend this case, in this circumstance this court has no option but to pass order on the basis of argument made by the counsel for the petitioner.

Counsel for the petitioner submits that the present revision application has been filed under Section 19(4) of the

Family Court Act, 1984. He further submits that the question of legality is involved in this case and since question of legality is there, the order is necessary to be corrected. Counsel further submits that the observation of this Court and decision is based on the order passed by Hon'ble Court in Anticipatory Bail passed in Cr. Misc. No. 40123 of 2013 order dated 06.08.2014.

After going through the order which the petitioner has filed before this Court as Annexure-3 (series) by way of supplementary affidavit that the Co-ordinate Bench of this Court has pleased to direct the petitioner (present O.P. No.2) to pay a sum of Rs.2,50,000/- by way of interim arrangement but the Trial Court at the time of deciding the application under Section 125 of Cr.P.C. has decided as one time settlement which is not correct.

In this view of the mater, the order dated 23.01.2017 passed in Maintenance Case No. 79 of 2013 by the Principal Judge, Family Court, Vaishali at Hajipur is hereby set aside. Principal Judge, Family Court, Vaishali at Hajipur is directed to pass a fresh order considering the merit of the case in accordance with law as in the High Court's order, it was interim arrangement only.

Accordingly, the present Criminal Revision

Application is hereby allowed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	