

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1032 of 2017

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

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Birendra Kumar Singh

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Respondent/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-06-2023 Heard the parties.

2. The petitioner has preferred this revision petition against the order of *ad interim* maintenance dated 04.08.2017 passed by Principal Judge, Family Court, Araria.

3. In view of the law laid down by the Division Bench of this Court passed in ***Cr. Misc. No. 22165/2016 (Md. Akil Ahmad vs. 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, the 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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