

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57211 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Aryan Raj S/O Sri Binay Kumar R/O Village- Kaushalya Ram Bhawan,
D.N.Das Lane, Bangali Akhara, Langer Toli, Ps. Kadamkuan, Patna-800004
... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Binay Kumar S/O Late Prabhu Nath Prasad R/O- Regional Hospital,
Kotma Colliery, P.O- Kotma Colony, Distt. Anuppur, Madhya Pradesh
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul Advocate Mrs. Sagrika, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s :		Mr. Md. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as learned

counsel for the Opposite Party No.2.

2. The case was taken up on 09.10.2023 when
petitioner and opposite party no.2 were directed to remain
physically present. Petitioner is son of opposite party no.2.

3. On account of matrimonial dispute between the
opposite party no.2 and his wife the child was facing issues as
he got admission in Shri Laxmi Narayan Medical College,
Pondechri, where the annual fee is Rs.18,00,000/- (Rupees
eighteen lacs only) and the opposite party no.2 initially being
aggrieved by the conduct of the petitioner was not willing to
finance studies, as such the son moved before the Court of



learned Principal Judge, Family Court, Patna by filing Maintenance Case No.221 of 2023 seeking a direction upon the opposite party no.2 herein to pay Rs.26,00,000/- (Rupees twenty six lacs only) per annum towards his educational fee. At the time when maintenance Case No.221 of 2023 was filed at that time, the petitioner was allotted Bharat Medical College and Hospital, Chennai where the annual fee was Rs.26,00,000/- but since opposite party no.2 was reluctant in financing studies as the fees was beyond his capacity to pay as such the petitioner could not take admission in the said college and subsequently he took admission in Shri Laxmi Narayan Medical College, Pondicherry and as such has left for Pondicherry for taking admission, hence the petitioner is being represented by her mother with whom he stays.

4. Better sense has prevailed between the parties, the opposite party no.2 submits that alone he will not be in a position to finance the entire medical education of his son but together with his wife they will manage, on which the mother of the petitioner who is also present concurs.

5. It has been agreed in between the parties before this Court that opposite party no.2 shall pay an amount of Rs.13,00,000/- (Rupees Thirteen lacs only) per annum towards



the medical education of the petitioner while his mother will pay an amount of Rs.5,00,000/- (Rupees five lacs only). The opposite party no.2 who is father of the petitioner at this stage submits that entire Rs.18,00,000/- (Rupees eighty lacs only) will go to the institution but then what about pocket money of the petitioner on which he himself submits that he will take care of the son, since the parties have resolved the dispute in terms of the agreement as aggrieved stands recorded herein above as such, the Court does not feel persuaded to proceed with the case.

6. Accordingly, the quashing application is allowed. The order dated 07.08.2023 of the learned Principal Judge, Family Court, Patna in Maintenance Case No.221 (M) of 2023 is hereby quashed.

7. The Court expects that the study of the child would be completed with the assistance of opposite party no.2 and his wife.

8. Personal appearance of the parties are dispensed with.

(Satyavrat Verma, J)

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