

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.68 of 2023

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

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JAYKUMAR GOND S/o Radheshyam Gond R/o Village- Sareya, P.S.-
Darauli, Distt- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. GAYATRI DEVI D/o Late Ramlochan Sah R/o Village- Sareya, P.S.-
Darauli, Distt- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.
For the Respondent/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

6 25-09-2024 Heard learned counsel for the petitioner.

2. Perused the impugned order dated 30.09.2022 passed by learned Principal Judge, Family Court Siwan in Maintenance Case No. 150/2019 whereby the learned Family Court passed the order of interim maintenance and directed the petitioner to pay interim maintenance of Rs. 3,000/- to the O.P.-wife. Challenging the said order, this petition has been preferred by the petitioner in this revision petition on 10.01.2023.

3. In case of Jitendra Sharma vs. Richa Singh and Chandra Prakash Gupta @ Chandra Prakash vs. Soni Kumari & Anr in Criminal Revision Nos. 311/2024 and 318/2024 respectively, this Court arrived on the conclusion that till the reference is decided by the larger Bench in case of **Dr. Dilip Kumar vs. State of Bihar and**



Another in Criminal Misc. No. 6740/2016 reported in **2019 SCC Online Patna 1520**. The law laid down in the case of **Md. Akil Ahmad vs. State of Bihar and Others** reported in **(2016) 4 PLJR 968** will construe the binding precedent and continue to hold the field till the same is overruled by the larger Bench.

4. Perusal of the office notes shows that at the time of listing this case before this Bench, the Stamp Reporter has not pointed any defect with regard to the maintainability of this petition.

5. Considering the judgment passed by the Division Bench of this Court in case of **Md. Akil Ahmad vs. State of Bihar and Others** reported in **(2016) 4 PLJR 968** and further considering the judgment passed by this Court in case of Jitendra Sharma vs. Richa Singh and Chandra Prakash Gupta @ Chandra Prakash vs. Soni Kumari & Anr in Criminal Revision Nos. 311/2024 and 318/2024 respectively, learned counsel for the petitioner in this case is directed to convert this revision petition into the application under Article 227 of the Constitution of India within two weeks' from today, thereafter, this matter will be listed before appropriate Bench having roster.

(Arvind Singh Chandel , J)

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