

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.131 of 2022

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

Md. Kamal Akbar @ Kamal Akbar Son Of Late Abdul Latif R/O - Latif
Manzil, Nai Bazar, Chapra, Ward No.17, P.S.- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Siddiq Praveen @ Sidhika Praveen Wife Of Md. Kamal Akbar, D/O- Md. Syed Alam R/O- Latif Manzil, Nai Bazar, Chapra, Ward No.17, P.S.- Bhgwan Bazar, District- Saran, At Present Residing At D/O- Md. Syed Alam, Nehru Mohalla, Ward No.-09, P.S.- Bakhtiyarpur, District- Saharsa
3. Afiya Akbar D/O- Md. Kamal Akbar R/O- Latif Manzil, Nai Bazar, Chapra, Ward No.17, P.S.- Bhgwan Bazar, District- Saran, At Present Residing At D/O- Md. Syed Alam, Nehru Mohalla, Ward No.-09, P.S.- Bakhtiyarpur, District- Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kumar Pandey, Adv.
For the State	:	Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 20-03-2024

Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. An ex parte order of maintenance is challenged by the
petitioner of the petition under Section 125 of the Cr.P.C.

3. The petitioner has filed an application under Section
125 of the Cr.P.C. before the learned Principal Judge, Family
Court, Saharsa, which was registered as Miscellaneous Case No.
147 of 2019. The said case was disposed of on 12th January, 2021



ex parte, directing the petitioner to pay maintenance @ Rs. 6,000/- (Six thousand) per month to the opposite party no. 2.

4. It is the case of the petitioner that he works as a salesman in the shop. The notice sent to him under Registered post of the proceeding under Section 125 of the Cr.P.C. was received by the shop owner, but he was not informed about the case filed by the wife of the petitioner and his application to appear before the Court. Therefore, he did not appear before the trial court and the impugned order was passed.

5. The petitioner intends to contest the Miscellaneous Case No. 147 of 2019 on the ground that it is not possible for him to financially pay Rs. 6,000/- per month to the opposite party no. 2.

6. Prayer is considered and allowed.

7. Ex parte order dated 12th January, 2021 is set aside on condition that the petitioner shall go on paying maintenance allowance @ Rs. 4,000/- (Four thousand) per month to the opposite party no. 2.

8. If he fails to pay the said amount, the revisional application shall be dismissed without further reference to the Bench.



9. The petitioner is directed to appear before the trial court and file his show cause/written objection within four weeks from communication of this order and the learned trial Judge shall dispose of the same after taking evidence within a period of 12 months from the date of communication of this order.

10. With the above order, the instant revision is allowed.
The impugned order is set aside.

11. There shall be no order as to costs.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

