

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.217 of 2020

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

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Dinesh Kumar @ Ravi Kumar Rajak, Son of Jitan Rajak, Resident of
Gaytrinagar, P.O. and P.S.- Jamalpur, Distt - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kushboo Kumari, D/o Pappu Rajak, Resident of Purani Bazar, Near Kali
Sthan, Jamui, P.S.- and P.O. - Jamui, Distt - Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Sinha, Advocate.
For the State : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 25-11-2024 Mr. Rajesh Sinha, learned counsel for the petitioner

and Mr. Chandra Sen Prasad, learned APP for the State are

present.

2. |The case is at the stage of admission.

3. The present petition has been preferred against the

impugned order dated 20.11.2027 whereby learned Principal
Judge, Family Court, Jamui, has directed the petitioner to pay
maintenance to his wife and minor son @ Rs.3,000/- and
Rs.1,000/- per month respectively. However, the impugned
order has been passed ex-parte.

4. Learned counsel for the petitioner submits that he

never received any notice of the proceeding and without service



of any notice upon the petitioner, ex-parte proceeding has been started and impugned order has been passed. Therefore, he seeks to set aside the impugned order passed ex-parte.

5. When it was pointed out to learned counsel for the petitioner the provisions under Section 126(2) Cr.PC, that he has liberty to file proper petition before the Family Court itself for setting aside the ex-parte order, he is seeking permission to withdraw the present petition with liberty to file appropriate application before the Family Court for setting aside the impugned ex-parte order.

6. Permission as sought for by learned counsel for the petitioner is acceded to.

7. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to file appropriate application under Section 126(2) Cr.PC.

(Jitendra Kumar, J)

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