

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.576 of 2019

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

=====

Vidyanand Yadav @ Bidyanand Yadav Son of Ramavatar Yadav @ Ramavatwar Yadav Resident of Village- Hanuman Nagar Ward No. 5, P.O.- Murho, P.S.- Madhepura, District- Madhepura, presently residing at Jai Prakash Nagar, Ward No. 6, Madhepura, P.S.- Madhepura, District- Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar
2. Manju Kumai Wife of Vidyanand Yadav and Daughter of Late Brahm Narayan Yadav Resident of Village- Hanuman Nagar Ward No. 6, P.O.- Murho, P.S.- Madhepura, District- Madhepura, presently residing at Jai Prakash Nagar, Ward No. 6, Madhepura, P.S.- Madhepura, District- Madhepura.
3. Sweta Priya @ Lusi Kumar Daughter of Vidyanand Yadav, Minor through guardian mother Manju Kumari Resident of Village- Hanuman Nagar Ward No. 5, P.O.- Murho, P.S.- Madhepura, District- Madhepura, presently residing at Jai Prakash Nagar, Ward No. 6, Madhepura, P.S.- Madhepura, District- Madhepura.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Dr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Satyendra Prasad, APP
For the O.P. No.2	:	Mr. Rupesh Kumar, Advocate Ms. Lakshmi Kumari, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 24-10-2024 Heard learned counsel for the Petitioner and

learned APP for the State.

2. The present Revision Petition has been preferred by

the Petitioner against the impugned order dated 31.08.2018

passed by learned Principal Judge, Family Court, Madhepura in

Miscellaneous (Maintenance) Case No.41 of 2017 whereby

maintenance has been awarded to the Opposite Party No.2 @



Rs.4,000/- per month and Rs.1,000/- per month to her minor daughter.

3. However, learned counsel for the Petitioner submits that the impugned order has been passed *ex parte* against the Petitioner and no service of notice was effected on him and he was not aware of the proceeding.

4. learned counsel for the Petitioner concedes that under Section 126(2) of Cr.PC he has remedy to move appropriate application by showing good reason of his absence for setting aside the impugned order. However, he submits that it would be time barred to move such application and he may be given liberty to file appropriate application before learned Family Court and learned Family Court may be directed to entertain such application under Section 126(2) Cr.PC and decide the same within the shortest time possible.

5. In view of the aforesaid facts and circumstances and submissions of learned counsel for the Petitioner, the present petition is dismissed as withdrawn giving liberty to the Petitioner to move appropriate application under Section 126(2) Cr.PC for his relief.

6. Learned Family Court is requested to entertain such application if he files his application within one month of this



order and dispose it of within the shortest time possible in view
of urgency of the matter.

(Jitendra Kumar, J.)

Chandan/-

U		T	
---	--	---	--

