

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.86 of 2023

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

SHAKUNTALA DEVI Wife of Dadan Dwivedi @ Dadan Dubey Resident of Mohalla - Atmi, P.S.- Nawanagar, District - Buxar. At Present Mohalla - Maullabag beside of Residence of S.D.P.O. P.S. - Ara Nawada, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dadan Dwivedi @ Dadan Dubey Son of Haribansh Dubey R/O Village - Atmi, P.S.- Nawanagar, District - Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raju Kumar Singh, Adv. Mr. Praveen Kumar, Adv.
For the State	:	Mr.Binod Kumar No.3, APP
For the O.P. No.2	:	Mr. Ravishanker Pathak, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 6 07-08-2025 At the outset, it is submitted by the learned counsel appearing for O.P. No.2 that petitioner had earlier filed a maintenance case under section 125 of the Cr.P.C before the learned S.D.J.M., Rohtas at Sasaram which was allowed granting the petitioner maintenance of a sum of Rs. 665/- per month and the same is being paid regularly by the O.P. No.2 and thereafter, the petitioner again filed the maintenance case bearing No. 154 of 2014 before the Family Court, Bhojpur, Ara and filing of her previous maintenance case as well as the order passed in that case also came in the knowledge of the Family Court, Bhojpur, Ara, who passed the impugned order but even



then the said Family Court allowed the second maintenance case of the petitioner granting the maintenance of Rs. 3,000/- per month, which is completely wrong and illegal. It is further submitted by him that if the petitioner has any grievance with regard to the quantum of maintenance amount then she may file a petition before the concerned court where her first maintenance case was decided for enhancement of the maintenance amount.

2. In view of the aforesaid situation and circumstances pointed out by the learned counsel for the O.P. No.2, the petitioner's counsel seeks permission to withdraw this petition with a liberty to file a petition for enhancement of maintenance amount awarded in favour of the petitioner vide T.R. Case No. 1678/ 1990, T.R. No. 399 of 2000.

3. After having taken note of the aforesaid facts, this court permits the petitioner to withdraw this petition with giving her aforesaid liberty and if she files a petition before the Family Court, Rohtas at Sasaram in whose jurisdiction the first maintenance case was decided within 10 days from today then the learned Family Court shall decide the petitioner's prayer for enhancement of maintenance at the earliest, preferably, within three months after giving sufficient opportunity to the O.P. No.2



according to merit.

4. The instant petition stands dismissed as withdrawn
with the aforesaid liberty and direction.

(Shailendra Singh, J)

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