

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.355 of 2024

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

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Saroj Aggarwal D/O Sri Uma Shanker Prasad R/O Krishi Kendra, Tekari
Road, Near Swarajpuri More, Gaya, Bihar- 823001

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Vinay Kumar, Green Surgical Pvt. Ltd. R/O 209 2nd floor, Safron
Complex, Fatehganj, Vadodara- 390002, Gujarat, India.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vivek Anand Amritesh, Advocate
For the Respondent/s	:	Mr. Abhishek Anand, Advocate
		Ms. Madhuri Kumari, Advocate
For the State	:	Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 28-03-2025

The petitioner is divorced wife of the Opposite
Party No. 2 who is a medical practitioner by profession and
stated to be Director of two private limited companies dealing
with the business of medical equipment and surgical
accessories.

2. Indisputably, the petitioner filed an application
under Section 125 of the Cr.P.C. praying for maintenance
allowance against Opposite Party No. 2. The said application
came up for ex-parte hearing on 16.12.2023, when the learned



Additional Principal Judge, Family Court, Patna passed an order directing the Opposite Party No. 2 to pay maintenance allowance at the rate of Rs. 25,000/- per month in favour of the petitioner from the date of filing of the application and also a consolidated sum of Rs. 80,000/- towards litigation cost.

3. The petitioner challenged the said order by filing the instant revision alleging *inter alia* that monthly income of the Opposite Party No. 2 is more than 22 lakhs and the petitioner is entitle to get at least 25% of the monthly income of the Opposite Party No. 2 towards maintenance allowance.

4. It is pertinent to mention here that the preferred Writ Petition (Criminal) No. 434/2024 before the Hon'ble Supreme Court praying for early disposal of the instant revision with consequential reliefs. The Hon'ble Supreme Court by its order dated 24.03.2025 disposed off the said criminal revision with the following directions:-

(i) The Registrar General of the Patna High Court is directed to attach the copy of the instant order on the file of Criminal Revision No. 355 of 2024, and put it up before the Hon'ble Judge to whom the case has been entrusted.

(ii) Having regard to the nature of issue, we request the High Court to take



up the above-stated Criminal Revision on a priority basis and dispose of the same with appropriate orders.

(iii) Respondent No. 2 is stated to have filed an application to recall the ex-parte order passed against him. Let such an application be decided by the court concerned within four weeks and subject to such terms and conditions as the Court may deem appropriate to impose upon him.

(iv) As respondent No. 2 has deposited the entire amount, the non-bailable warrants issued against him vide order dated 24.02.2025 stand recalled.

5. I have perused the entire materials on record as well as the submission made by the learned counsels for the parties. I have also perused the order of the Hon'ble Supreme Court passed in the above mentioned writ petition.

6. Considering entire conspectus of the matter, this Court passes the following order:-

(i) Order passed in Maintenance Case No. 268(M)/2018 on 16.12.2023 is set aside.

(ii) The Opposite Party No. 2 is directed to appear before the Trial Court on the next fixed date by the learned Additional Principal Judge, Family Court, Patna. The learned Advocate on behalf of the petitioner is directed to issue a notice informing the date so fixed by the learned Trial Judge to the Opposite Party No. 2.



(iii) On the fixed date, the Opposite Party No. 2 shall file the counter affidavit and affidavit of assets and liabilities in compliance of the decision of the Hon'ble Supreme Court in ***Rajnesh v. Neha, (2021) 2 SCC 324.***

(iv) The copy of the counter affidavit and the affidavit of assets and liabilities so filed by the Opposite Party No. 2 shall be handed over to learned Advocate for the petitioner.

(v) The petitioner is at liberty to file a rejoinder and if necessary further affidavit of assets and liabilities within 15 days from the date of receipt of the copy of the counter affidavit and affidavit of assets and liabilities.

(vi) The learned Trial Judge shall then give opportunity to both the parties to adduce fresh evidence. It is specifically directed that the trial of the case shall be concluded within four months from the date of communication of the order.

(vii) In the meantime, the Opposite Party No. 2 shall go on paying Rs. 25,000/- per month towards maintenance allowance to the petitioner till the disposal of Maintenance Case No. 268(M)/2018, as interim maintenance without prejudice to the rights and contentions of the parties that may be raised in the final hearing of the application under Section 125 of the Cr.P.C.

7. With the above order, the instant revision is



disposed off.

8. The parties are directed to comply with the timeline strictly.

(Bibek Chaudhuri, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.04.2025
Transmission Date	

