

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.377 of 2023

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

Prashant Kumar Son of Satya Narayan Chowdhary Resident of Kali Mandir,
Chowk, P.S. and District - Araria At present Resident of Flat No.- 305, Kopri
Goan, P.S.- APMC Navi Mumbai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Anand Wife of Prashant Kumar D/O Late Raj Kumar Jaiswal,
Resident of Belori, P.S.- Sadar (M), District - Purnea.
3. Debansh Chowdhary Under the Guardianship of mother Priyanka Anand the
O.P. No.- 2. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Nath Rai, Adv.
For the Respondent/s	:	Mr. Binod Kumar, No. 3, APP
For O.P. No. 2	:	Mr. Radha Mohan Singh, Adv. Mr. Saurabh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

14 07-08-2025 After some argument Mr. Prabhakar Nath Rai,

learned counsel appearing for the petitioner seeks permission to

withdraw this petition with liberty to file a petition under

Section 126(2) of Cr.P.C. for setting aside the impugned order,

which was passed *ex-parte* against him.

2. It is further submitted by the petitioner's counsel

that the petitioner was not aware of the said provision and

bonafidely he filed this criminal revision which has consumed

much time of the petitioner so while computing the limitation

period in respect of the petition which is to be filed under



Section 126 (2) of Cr.P.C. the concerned Trial Court may be directed to exclude the period which has been consumed in this criminal revision petition.

3. On the other hand, Mr. Radha Mohan Singh learned counsel appearing for O.P. No. 2 and 3 submits that the petitioner was directed by this Court to pay at least 25% of the total due amount along with the current maintenance amount before the Trial Court. Though, he has deposited a sum of Rs. three lakhs twenty five thousand after some delay but, he is not paying the current maintenance amount which is also due on his part.

4. In response, the petitioner's counsel submits that the last date in the petitioner's case before the Trial Court was 05.08.2025 and he is not aware about the payment of the current maintenance amount by the petitioner to the O.P. No. 2 and 3.

5. Considering the aforesaid submissions and stated facts the petitioner is permitted to withdraw this petition, giving him liberty to file a petition under Section 126(2) of Cr.P.C if he avails this liberty in the next two weeks then the learned Trial Court will exclude the period spent in this petition while computing the required limitation period and thereafter, his petition may be decided according to the provisions of the law



after giving sufficient opportunity of hearing to O.P. No. 2 and
3. The learned Trial Court will consider the petitioner's
aforesaid petition only on this condition that the petitioner will
deposit the current maintenance amount before filing of the said
petition.

6. Accordingly, this petition stands disposed of as
withdrawn with the aforesaid liberty granted to the petitioner.

(Shailendra Singh, J)

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