

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.974 of 2024

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

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Laxman Ravi Das @ Laxman Kumar, S/O Rajendra Ravi Das, Resident of Salalpur Daniawan, District- Patna, Presently at Mohalla- Fare Field Colony Back of Puja Floor Mill, P.O.- Digha Ghat, P.S- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sheetal Kumari, W/O Laxman Ravidas @ Laxman Kumar, D/O Ramanand Ram R/O Village and P.O- Govindpur Fatuah, P.S- Fatuah, Dist.- Patna.
3. Surya Raj, S/O Laxman Ravi Das, R/O Village and P.O- Govindpur Fatuah, P.S- Fatuah, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Syed Mojibur Rahman, APP
For the O. P. Nos. 2 and 3:	:	Mr.Ajay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 06-08-2025 Yet another case where this Court does not know how the procedural fault committed by the learned Principal Judge, Family Court, Patna should be taken care of.

2. The instant revision is directed against an order passed by learned Principal Judge, Family Court, Patna in Maintenance Case No. 334 (M) of 2022 on 5th of September, 2024 where in a proceeding under Section 125 of the Cr.P.C., the learned Principal Judge, Family Court, Patna accepted an application under Section 24 of the Hindu Marriage Act and granted pendente lite maintenance at the rate of Rs. 15,000/- per



month to the wife / opposite party and Rs. 7,000/- to the minor child of the parties, total being Rs. 22,000/-.

3. It is wholly unacceptable that one of the senior-most members of the Bihar Superior Judicial Service, presently holding the post of Principal Judge, Family Court, Patna — and who is shortly due to be promoted to the post of Principal District and Sessions Judge — is unaware that in a proceeding under Section 125 of the Cr.P.C., the provisions of the Hindu Marriage Act are not applicable. It is further surprising that he does not know that a proceeding under Section 125 of the Cr.P.C. is to be tried under a summary procedure — initially by the learned Magistrate and, after the enactment of the Family Courts Act, 1984, by the Principal Judge, Family Court. In such proceedings, there is no scope for the application of Section 24 of the Hindu Marriage Act.

4. Therefore, the impugned order passed by Mr. Sunil Dutta Pandey, learned Principal Judge, Family Court, Patna on 5th of September, 2024 in Maintenance Case No. 334(M) of 2022 is summarily rejected for being not maintainable.

5. The petitioner is, however, at liberty to file appropriate application for interim maintenance in the Court below.



6. Let a copy of this order be sent to the Hon’ble the Chief Justice for his kind information only to show the extent of poor legal knowledge of the learned Principal Judge, Family Court, Patna with regard to application of statutes which he is under obligation to deal.

7. With the above order, the instant revision is dismissed.

(Bibek Chaudhuri, J)

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