

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.52 of 2022

Vikash Kumar Mehta @ Vikash Mehta Son of Jasraj Mehta @ Deshraj Mehta
Resident of Village - Kurwalaxmipur, Ward No.14, P.s.- Forbesganj, (simraha
O.P.), Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Karishma Devi W/o Vikash Kumar Mehta @ Vikash Mehta The O.P. no. 3 to 5 are minor represented through her Mother the O.P. no. 2 as natural Guardian and next friend mother , O.P no.2 to 5 are Resident of Village - Kurwalaxmipur, Ward no.14, P.s.- Forbesganj (Simraha O.P), Distt.- Araria. At Present D/o Bhimshankar Mehta, Resident of Village - Dumariya, Ward No.11, P.s.- Narpatganj, Distt.- Araria.
3. Vishal Kumar Mehta Son of Vikash Kumar Mehta @ Vikash Mehta. The O.P. no. 3 to 5 are minor represented through her Mother the O.P. no. 2 as natural Guardian and next friend mother , O.P no.2 to 5 are Resident of Village - Kurwalaxmipur, Ward no.14, P.s.- Forbesganj (Simraha O.P), Distt.- Araria. At Present D/o Bhimshankar Mehta, Resident of Village - Dumariya, Ward No.11, P.s.- Narpatganj, Distt.- Araria.
4. Ritika Kumari D/o Vikasah Kumar Mehta @ Vikash Mehta The O.P. no. 3 to 5 are minor represented through her Mother the O.P. no. 2 as natural Guardian and next friend mother , O.P no.2 to 5 are Resident of Village - Kurwalaxmipur, Ward no.14, P.s.- Forbesganj (Simraha O.P), Distt.- Araria. At Present D/o Bhimshankar Mehta, Resident of Village - Dumariya, Ward No.11, P.s.- Narpatganj, Distt.- Araria.
5. Krishna Kumar Mehta Son of Vikash Kumar Mehta @ Vikash Mehta The O.P. no. 3 to 5 are minor represented through her Mother the O.P. no. 2 as natural Guardian and next friend mother , O.P no.2 to 5 are Resident of Village - Kurwalaxmipur, Ward no.14, P.s.- Forbesganj (Simraha O.P), Distt.- Araria. At Present D/o Bhimshankar Mehta, Resident of Village - Dumariya, Ward No.11, P.s.- Narpatganj, Distt.- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Kumar Jha, Advocate
For the State	:	Mr.Umesh Lal Verma, APP
For the O.P. 2-5	:	Mr. Nishant Kumar Sinha, Advocate
	:	Mr. Tarun Kumar Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 18-02-2026 Learned counsel for the petitioner, at the outset,

submits that the learned Principal Judge, Family Court, Araria



vide order dated 01.11.2021 passed in Maintenance Case No. 126 of 2019 directed the petitioner to make payment of maintenance amount of Rs.3,000/- per month to opposite party no. 2 and Rs.2,000/- per month to opposite party nos. 3 to 5 till obtaining their majority and opposite party no. 4 till her marriage. However, opposite party nos. 3 and 4 have been staying with the petitioner and the order in this regard is not correct.

2. However, learned counsel appearing on behalf of opposite party nos. 2 to 5 submits that the petitioner took away opposite party nos. 3 and 4 after passing of the orders by the learned Family Court and he now wants to take advantage of this fact.

3. Having regard to the rival submission of the parties, I am of the view that when the maintenance was awarded to opposite party nos. 2 to 5, opposite party nos. 3 and 4 have been staying with their mother, opposite party no. 2 and on this ground, the order of learned Family Court could not be faulted. If any subsequent development has taken place, the petitioner can always raise the issue before the learned trial court which has passed the order and the same cannot be raised for the first time before this Court. In a revision petition, this Court is only



concerned with the legality of the impugned order and subsequent development cannot be made a point for assailing the order passed by the learned trial court.

4. Faced with the situation, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to have recourse of law for redressal of his grievance before the learned Family Court.

5. In the light of submission of the petitioner, the present petition is dismissed as withdrawn with liberty to the petitioner to have recourse of law in appropriate proceeding before appropriate forum.

(Arun Kumar Jha, J)

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