

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.69 of 2020

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

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Ranjan Yadav @ Kaushal Kumar Son of Shyam Sundar Prasad Yadav,
Resident of Village - Bariyahi, P.S.- Bangaon, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Ranjan Yadav @ Kaushal Kumar Resident of Village -
Bariyahi, P.S.- Bangaon District - Saharsa Presently Residing at Maharatha,
P.S.- Saharsa, District - Saharsa
3. Rishabh Kumar Son of Ranjan Yadav @ Kaushal Kumar Through its mother
Rinku Devi, Resident of Village - Bariyahi, P.S.- Bangaon District - Saharsa
Presently Residing at Maharatha, P.S.- Saharsa, District - Saharsa
4. Rishu Kumari Daughter of Ranjan Yadav @ Kaushal Kumar Through its
mother Rinku Devi, Resident of Village - Bariyahi, P.S.- Bangaon District -
Saharsa Presently Residing at Maharatha, P.S.- Saharsa, District - Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate Mr. Dinesh Maharaj, Advocate
For the State	:	Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 16-01-2026 The case is at the stage of Admission.

2. The present petition has been filed for setting aside
the *ex-parte* final maintenance order dated 15.10.2019, passed
by learned Principal Judge, Family Court, Saharsa in Misc. Case
No. 53 of 2016, filed under Section 125 Cr.PC.

3. The Opposite Party No. 2 and her two minor
children, who are O.P. Nos. 3 & 4, had filed the said Misc. Case
for monthly maintenance of Rs. 15,000/- from the petitioner
herein, who is husband of O.P. No. 2 herein and father of O.P.
Nos. 3 & 4.

4. As per the impugned order, it transpires that



initially, the petitioner herein appeared in the case on notice before the Family Court and after some time, on account of reconciliation, the O.P. No. 2 along with her minor children started living with the petitioner herein and he was under impression that the case would get terminated. However, the case proceeded and order was passed *ex-parte* and the petitioner could not file his reply to the maintenance petition, nor could he adduce any evidence in support of his defence against the maintenance petition.

5. At this stage, learned counsel for the petitioner is seeking permission to withdraw the present petition and file appropriate application under Proviso to Section 126(2) of Cr.PC for setting aside the *ex-parte* order. The petitioner is also ready to pay half of the maintenance amount in terms of the impugned order at the time of setting aside the impugned order and proceeding further giving opportunity to the petitioner to file his reply and evidence and cross-examination of the witnesses of O.P. Nos. 2, 3 and 4.

6. At this stage, learned counsel for the petitioner submits that for the last two years, he is not in contact with the petitioner herein and he is not in a position to say whether there is any compromise between the parties and they are living



together or not. He is also seeking liberty that in case the parties have already entered into settlement and living together, there should be provision that he will be not required to pay any amount towards maintenance.

7. Hence, permission is granted to the petitioner to withdraw the present petition, subject to condition that if there is no compromise already entered into between the parties, learned Court below will consider the application of the petitioner, if filed under Proviso to Section 126(2) of Cr.PC, and will be entertained and at the time of setting aside the impugned order for proceeding further, the petitioner will be required to pay half of the total maintenance amount in terms of impugned order as per which the petitioner herein has been directed to pay Rs. 5,000/- per month to the private opposite parties towards their maintenance.

8. Accordingly, the present petition stands disposed of.

9. LCR is already received by this Court and hence, the office is directed to send back the same forthwith along with a copy of this order.

(Jitendra Kumar, J.)

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