

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12390 of 2023

Arising Out of PS. Case No.-22 Year-2020 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Mithilesh Kumar Pathak S/O Ram Naresh Pathak R/O Mohalla- Sri Krishnapuri, Near Mother Care School, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharat Bhushan S/O Ajay Kumar Diwedi R/V- Dariya Chhapra, P.S.- Motipur, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. Kuber Pathak, Advocate Mr. Baban Kumar, Advocate
For the Opposite Party/s :		Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-11-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. This Criminal Miscellaneous petition has been filed for cancellation of anticipatory bail of opposite party no. 2 which was granted by the learned Sessions Judge, Muzaffarpur *vide* order dated 20.12.2022 in connection with Complaint Case No. 22 of 2020.

3. The petitioner is father-in-law of O.P. No. 2 who has alleged that the O.P. No. 2 had threatened his daughter to kill her and despite the same fact, learned Court concerned had granted anticipatory bail to the O.P. No. 2. Earlier, O.P. No. 2



had filed divorce petition against the daughter of the petitioner and when the transfer petition was filed in Hon'ble Supreme Court, the same was withdrawn by the O.P. No. 2. Further it is submitted that the complaint case is pending in the Court concerned and it is in the interest of justice that matrimonial dispute between the parties may be resolved through the process of mediation/conciliation in the learned trial Court.

4. From perusal of the order dated 20.12.2022 passed by learned Sessions Judge, Muzaffarpur in A.B.P. No. 2440 of 2022, it was recorded that the marriage between the daughter of the petitioner with O.P. No. 2 was solemnized in 2019 and due to matrimonial discord between them, the Complaint Case No. 22 of 2020 was filed. There are other several litigations between the parties regarding matrimonial discordant regarding their matrimonial affairs. The Court further recorded that O.P. No. 2 has been made accused in the complaint case wherein his custodial interrogation is not required so his custody during trial will not serve any purpose rather his presence seems to be essential during trial. The O.P. No. 2 was directed to attend the Court regularly, if remains absent on three consecutive dates, his bail bond shall be cancelled. The petitioner herein is not alleged any violation of the conditions made in the said order dated



20.12.2022.

6. Learned A.P.P. for the State submits that the matter relates to the matrimonial discordant and the parties if desire can make application before the Court concerned for mediation/conciliation between them.

7. In view of the aforesaid facts and circumstances and considering the submissions advances on behalf of the parties, this Court does not find any merit in the prayer of the petitioner to cancel the bail of O.P. No. 2 and, accordingly, the present case is dismissed.

8. Needless to mention here that if the parties want settlement of their matrimonial dispute through mediation/conciliation proceeding, they can take steps in this regard before the learned trial Court.

(Sunil Dutta Mishra, J)

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