

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38524 of 2025

Arising Out of PS. Case No.-87 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Ritesh Kumar Rai @ Ritesh Kumar, Male, aged about 32 years, son of Ramji Rai, resident of Village- Samardiha, Police Station - Sasaram Muffasil, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Kumari W/O Ritesh Kumar Rai, D/O Ramkrishna Singh Presently Resident of Village/muhalla- Ambedkar Nagar, P.S- Sasaram Muffasil, Distt.- Rohtas (Sasaram), PIN- 821115.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-06-2025 Heard Mr. Saroj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 87 of 2021, registered for the offence punishable under Sections 498(A), 406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. As per the allegation made in the complaint, due to non-fulfillment of demand of dowry, the petitioner and his family members committed cruelty and tortured the complainant and thereafter they forcibly ousted her from her matrimonial house. It has also been alleged that the petitioner had threatened



the complainant that he will perform second marriage.

4. The petitioner had earlier come before this Court for anticipatory bail by filing Cr. Misc. No. 29776 of 2024, in which, counsels for the respective parties jointly informed that the matter can be resolved by way of mediation and this Court vide order dated 20.11.2024, had directed the parties to appear before the District Mediation Center on 16.12.2024 and had requested the learned Mediator to make his best effort to settle the matrimonial dispute between the parties amicably and submit his report within four months before the learned District Court. However, the mediation had failed and the petitioner had preferred A.B.P. No. 385 of 2025 arising out of Complaint Case No. 87 of 2021 before the learned District Court, which was rejected vide order dated 24.04.2025 and aggrieved by the same, the petitioner has filed the present bail application.

5. Section 23 (2) of the Hindu Marriage Act, 1955 mandates that the court must make every endeavor to reconcile the parties before granting any relief including divorce. The very intent of the statutory provision is that the Court must strive till it fails to reconcile between the parties, who are having strained matrimonial relationship. There is no information either in the bail application or in the impugned



order that either of the party has moved before the family Court either for facilitating reconciliation or for divorce. The petitioner apprehends his arrest because of criminal case is pending against him filed by his wife. In such circumstances, the petitioner, who is intending to avail remedy is restrained from doing the same. I find that the petitioner, who is the husband, has made out a *prima facie* case to be released on pre-arrest bail.

6. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohatas, Sasaram, in connection with Complaint Case No. 87 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. Learned District Court must not restrain itself from proceeding with the reconciliation process between the parties.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

