

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44215 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- NAWADA District- Nawada

Uday Kumar S/o Prakash Sao Vill.- Bahadurpur, PS- Rajauli, Distt.- Nawada,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Madan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 16-10-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Nawada Town P.S. Case No. 190/2025 registered for the
offence punishable under Section 140(1) of the BNS.

3. As per the allegation made in the F.I.R., the
petitioner is said to have kidnapped his father-in-law who is the
father of the informant. It is further alleged that petitioner
assaulted and ousted her wife (sister of the informant / daughter
of the victim) for which a Maintenance Case No. 67 of 2024 is
going on between the petitioner and her wife and the same is the
motive behind the alleged offence.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is quite innocent and he has falsely been implicated in the case. Learned counsel further submits that the her wife herself left the matrimonial house due to her love affair with one Ankit Yadav. After that, the petitioner persuaded his wife to come back to her matrimonial house, but she refused to do so forcing the petitioner to file Matrimonial Case No. 2002/2023 under Section 13(1)(1a) of the Hindu Marriage Act. He further submits that the matrimonial dispute between the parties could not be settled due to stubborn behaviour of his wife and his father-in-law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

7. The matrimonial dispute is not an offense against the society rather a matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society. The Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, (2003) 4 SCC 675, in paragraph



nos. 12 and 13 has held as under:-

“ 12. The special features in such matrimonial matters are evident. It becomes the duty of the court to encourage genuine settlements of matrimonial disputes.

*13. The observations made by this Court, though in a slightly different context, in **G.V. Rao v. L.H.V. Prasad [(2000) 3 SCC 693 : 2000 SCC (Cri) 733]** are very apt for determining the approach required to be kept in view in a matrimonial dispute by the courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.*

8. In such circumstances, this Court finds it proper to give interim protection to the petitioner for four months, so that parties may arrive at an amicable settlement. It is expected that all the accused persons including the father of the informant will resolve their dispute amicably to buy peace of mind, instead of facing criminal prosecution.

9. The petitioner is directed to appear before the learned District Court on 27.11.2025 at 10:30 AM.



10. Learned District Court is directed to take necessary steps in the interest of the parties by referring the matter before the learned Mediator of the District Mediation Center after issuing notice to the informant including his sister and father.

11. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of four months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

12. In case the parties resolve their dispute amicably then in light of the law laid down by the Apex Court, the petitioner is required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

13. In case of failure on the part of the petitioner to appear on 27.11.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.

14. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioner



is directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

15. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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