

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56947 of 2025

Arising Out of PS. Case No.-133 Year-2024 Thana- ARERAJ District- East Champaran

Sonu @ Kaif Ansari S/o- Shoib Mian @ Soeb Miyan R/o Village- Jharwa,
P.S.- Harsidhi, District- East Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP
For the Informant : Mr.Kundan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-12-2025 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioner; Mr. Sanjay Kumar Pandey, learned APP appearing on behalf of the State and Mr. Kundan Rathore, learned counsel appearing on behalf of the Informant.

2. The petitioner apprehends his arrest in connection with Areraj P.S. Case No. 133 of 2024 registered under Sections 318(4), 69, 352, 351(2) of the BNS.

3. As per the allegation made in the FIR, the petitioner, on a false promise of marriage, established a love relationship with informant and he also took a large sum of money from her.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner has clean antecedent. The petitioner's counsel on instruction



submitted that the petitioner wants to settle the dispute outside the Court and has agreed to appear before the learned District Court at 10:30 A.M. on 13.01.2026 along with O.P. No.2.

5. Learned counsel appearing on behalf of the informant opposing the prayer for grant of pre-arrest bail submitted that an opportunity may be given to the parties to resolve their dispute amicably outside the Court for which the O.P. No.2 will also appear on 13.01.2026 before the District Court.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner and the informant were in love relationship and the dispute between them does not inherently constitute an offence against society. However, a false case can have a disastrous consequence in absence of any criminal content. The personal dispute cannot call for a criminal offence. In such situation, continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner.

8. In this regard, 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.*

9. The dispute between the parties is purely civil in nature and the petitioner has willingly desired to appear before the learned District Court on 13.01.2026 at 10:30 AM, so that the matter can be referred to the District Mediation Centre.

10. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after summoning O.P. No.2 by fixing a date for appearance.



11. Learned Mediator of the District Mediation Center concerned upon appearance of the parties on the fixed date 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, or arrive at a mutual settlement then the proceeding is required to be dropped in light of the law laid down by the Apex Court as referred hereinabove.

13. In case of failure on the part of the petitioner to appear on 13.01.2026 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.

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

(Purnendu Singh, J)

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