

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65351 of 2025

Arising Out of PS. Case No.-1759 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Meraj S/o Md. Dildar R/o Village- Raghunathpur, Danwa, Post- Doli,
P.S- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chaman Afreen W/o Md. Miraz, D/o Md. Dulare R/o Vishambharpur,
Alautha, Post and P.S- Musrigharari, Dist.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate.
For the State : Mr.Md. Anzarul Haque Sahara, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2025 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 Complaint Case No. 1759 of 2023 registered for the
offence punishable under Section 498A of the Indian Penal
Code and Section 4 of the D.P. Act.

3. The allegation is of subjecting the complainant –
opposite party no.2 to various sorts of torture due to non-
fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is ready to keep his wife
with full dignity and honour. He 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 the 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. Having considered the rival submissions made on behalf of the parties, I find that the parties have failed to settle the matrimonial dispute, the Court till last minute must strive to give opportunity to the parties to settle the dispute between the husband and wife amicably. 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. However, a false case can have a disastrous consequence in absence of any criminal content. The personal dispute cannot call for a criminal offence.

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 petitioner is directed to appear before the learned District Court on 31.10.2025 at 10:30 AM.

10. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after noticing the opposite party no.2.

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 petitioners in connection with the aforesaid case.

12. In case of failure on the part of the petitioners to appear on 31.10.2025 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.

13. In case, the parties fail to reconcile, the parties may avail appropriate remedy in accordance with law.

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

(Purnendu Singh, J)

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