

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66683 of 2025

Arising Out of PS. Case No.-477 Year-2024 Thana- BANIAPUR District- Saran

Prashant Kumar @ Mukesh Sah Son of Vinod Kumar Sah R/o Village -
Gopalpur, Police Station - Baniyapur, District - Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari D/o Hare Krishna Sah R/o Village - Kedar Parsa, P.S. -
Rasulpur, Dist. - Saran(Chapra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mrs. Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-10-2025 Heard Mr. Brij Kishor Mishra, learned counsel
appearing on behalf of the petitioner and Mrs. Renuka
Ratnakar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Baniyapur P.S. Case No. 477 of 2024 registered for the
offence(s) punishable under Sections 127(1), 115(2), 351(2),
352, 85 and 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner
along with other family members has assaulted the informant
due to non-fulfillment of demand of dowry.

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 is the husband of the informant. He further submitted that petitioner, who is about 25 years old, desires to make one time settlement with O.P. No.2, who is his legally wedded wife and is also of same age. Both of them are adults. It is submitted that they can be given an opportunity to amicably settle their strained matrimonial dispute, considering the fact that the petitioner is in Army and finds little time from duty to spend with his newly weeded wife/opposite party no.2.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties and considering the situation faced by the petitioner, who is a soldier in Army and taking into consideration the nature of allegation alleged against him by his own wife, who has been impleaded as opposite party no.2, 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. 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 petitioner has agreed to settle the dispute outside the Court and he is willingly desired to appear before the learned District Court on 27.11.2025 at 10:30 AM.

10. Learned District Court is directed to take necessary action to refer the matter before the learned Mediator of the District Mediation Center after issuing notice to 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 petitioner in connection with the aforesaid case.

12. 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.

13. In case, the parties fail to reconcile, then in that case the parties may avail appropriate remedy.



14 Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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

