

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12035 of 2026

Arising Out of PS. Case No.-23 Year-2025 Thana- MAHILA PS District- Jehanabad

Sushil Kumar S/o- Late Nagina Prasad, Village- Laxmipur, PS- Okari Dist-
Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari W/o- Sushil Kumar, D/o- Abdhesh Prasad R/v- Barma Ps-
Pali Dist- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Ray, Advocate.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-03-2026 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 Mahila P.S. Case No. 23 of 2025 for the offence punishable under Sections 126(2), 115(2), 352, 351(2), 85 and 3(5) of the BNS and Sections 3/4 of the D.P. Act.

3. The allegation is of subjecting the O.P. No.2 to various sorts of torture and cruelty for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the husband of the O.P. No.2 and the allegation levelled against him is false and



concocted. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. He submitted that the matter be referred for mediation.

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

6. The petitioner's counsel informs that he has received instruction that the petitioner also wants to reconcile the dispute by way of mediation.

7. The petitioner has agreed to appear before the learned District Court at 10:30 A.M. on 17.03.2026 for resolving the dispute by way of mediation.

8. Heard the parties.

9. This Court finds that 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, as has been held by 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 which is 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.*

10. The petitioner has desired to appear before the learned District Court on or before 17.03.2026, so that the matter can be referred to the District Mediation Centre.

11. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center by issuing notice to O.P. No.2 and fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”.

12. Learned Mediator of the District Mediation Center concerned, upon appearance of the parties, 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 three months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

13. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, in light of the law laid down by the Apex Court as referred hereinabove, 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.

14. In case of failure on the part of the petitioner to appear on 17.03.2026 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.

15. In case, it is deliberate on the part of the complainant to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

16. 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.

17. If both the parties arrive at amicable settlement, then they must withdraw the criminal cases, if any, which they



have lodged against each other.

18. With aforesaid direction and observation, the present application stands disposed of.

19. Let a copy of this order be communicated to the Member Secretary, Bihar State Legal Services Authority and the Patna High Court Mediation Centre for the purpose of record.

(Purnendu Singh, J)

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