

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60604 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- Kaler District- Arwal

=====

Dhananjay Kumar S/o Bayash Ray Resident of village- Samahariya, P.S.-
Kaler, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reshu Kumari W/O Dhananjay Kumar, D/O Babua Ji Ray Resident of
village- Samahariya, P.S.- Kaler, District- Arwal At Present Residing at Vill.-
Karwashin, P.S.- Sahar, Dist.- Bhojpur (Ara)

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Sharma, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For O.P. No.2	:	Mr. Chandan Kumar, Advodate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of

O.P. No.2.

2. Petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 126, 115(2), 109, 85,

208, 352, 351(3) and 3(5) of B.N.S., 2023.

3. Learned counsel for the petitioner submits that the

case was taken up on 11.09.2025 when the case was referred for
mediation based on joint submission made by the learned
counsel appearing on behalf of the parties, i.e., petitioner and
O.P. No.2. It is submitted that before the learned Mediator, the
case was taken up on four dates and the petitioner appeared on



three dates. It is submitted that petitioner could not appear on one date for the reason that his mother had expired but then O.P. No.2 did not appear on a single date nor any application was filed on her behalf before the learned Mediator assigning reason for her non-appearance.

4. The learned counsel appearing on behalf of the informant does not dispute the said submission of the learned counsel appearing on behalf of the petitioner that O.P. No.2 did not appear before the learned Mediator on any of the four dates but then submits that informant was getting treated at Delhi on which the learned counsel for the petitioner submits that a bald plea is being taken. It is further submitted that the mediation failed on 25.11.2025 and the case thereafter is being taken up today, i.e., after more than two months of failure of the reconciliation proceeding but then neither before the learned Mediator nor before this Court, any application has been filed bringing on record any documentary evidence to substantiate that O.P. No.2 was suffering from such disease for which she was under treatment at Delhi based on which she could not attend the mediation proceeding. It is thus, submitted that a bald plea is being taken. It is also submitted that petitioner being husband has been falsely implicated in the instant case by O.P.



No.2 and O.P. No.2 does not intend to restitute her conjugal rights, as such, petitioner had no option but to file an application seeking divorce. It is further submitted that O.P. No.2 is only interested in prolonging the case or else O.P. No.2 would have appeared before the learned Mediator and if she was not in a position to appear for any valid reason, in that event, she could have intimated the learned Mediator through her learned lawyer or else could have moved before this Court seeking extension of time but then no such step was taken.

5. Considering the submissions made on behalf of learned counsel for the petitioner, let petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Arwal in connection with Kaler P.S. Case No.48 of 2025, subject to the conditions laid down under Section 482(2) B.N.S.S.

(Satyavrat Verma, J)

Sanjay/-

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

