

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65147 of 2025

Arising Out of PS. Case No.-207 Year-2024 Thana- VIJAYEPUR District- Gopalganj

Santosh Chaubey @ Santosh Chaube Son of Kanhaiya Choube @ Kanhaiya Choubey Resident of Village - Patkhauri, P.S. - Vijaypur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka choubey wife of Santosh Choubey @ Santosh Chaubey Resident of Village - Patkhauri, P.S. - Vijaypur, District - Gopalganj. At P/A- Daughter of Dhananjay Pathak, Resident of Village- Basahouli, Po- Lakari Nabiganj, Ps- Basantpur, Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pankaj Kumar Dubey, Advocate.
For the Opposite Party/s :	Mr.Awadhesh Kumar Singh, APP.
For O.P. No.2 :	Mr. Nishant Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 20-04-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP for the State and learned counsel for the O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection with Vijaypur P.S. Case No. 207 of 2024 for the offences punishable under Sections 126(2), 115(2), 85, 82(1), 352 and 3(5) of the BNS.

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. Both the parties jointly informs that the petitioner



and the O.P. No.2 are husband and wife who got married 11 years before and O.P. No. 2 could not bear a child forcing her to face various type of cruelty.

5. This Court is of the opinion that the petitioner is willing to keep the O.P. No.2 with full dignity and honour. Upon careful examination of the record, this Court does not find any material to establish a prima facie case of cruelty. Moreover the date of marriage has neither been mentioned in the F.I.R. nor disclosed by the parties, thereby rendering it difficult to ascertain whether an offence under Section 498A is made out.

6. Learned District Court is directed to call for the records and find out exact date of marriage and if there is any possibility that the parties can reconcile, then the matter is required to be referred for mediation before the District Mediation Centre in light of the law laid down by the Apex Court in case of *Rajendra Bhagat v. State of Jharkhand*, reported in *(2022) 18 SCC 465*, to give effect to “Mediation for the Nation 2.0”.

7. Till the mediation concludes, the petitioner, above named, is directed to be released **on pre-arrest bail provisionally** on such terms and conditions as the learned District Court deems it fit and proper, subject to the condition as



laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

8. The bail application stands disposed of.

9. 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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