

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70675 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- MAHILA P.S. District- Siwan

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Amit Kumar Dubey Son of Harendra Dubey Resident of Village - Santhi, P.S.
- Raghunathpur, Dist. - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindu Devi W/o Brij Kishore Mishra Resident of Village - Koluha, P.S. -
Daraunda, Dist. - Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Pandey, Advocate Mr. Sandeep Kumar, Advocate Ms. Shyama Rani, Advocate
For the Opposite Party/s :		Mr.Jitendra Kumar Singh, APP
For the informant	:	Mr. Himanshu Ranjan, Advocate Mr. Manish Chandra Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-02-2026 Heard Mr. Ajay Kumar Pandey along with Mr.

Sandeep Kumar and Ms. Shyama Rani, learned counsels
appearing on behalf of the petitioner; Mr. Jitendra Kumar Singh,
learned APP for the State, Mr. Himanshu Ranjan and Mr.
Manish Chandra Gandhi, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Siwan Mahila P.S. Case No. 29/2025 registered for the
offence(s) punishable under Sections 126(2),115(2),85,3(5) of



the BNS and $\frac{3}{4}$ of D.P. Act.

3. As per the allegation made in the FIR, the petitioner who is husband of daughter of opposite party no.2 has brutally assaulted her and kicked her out of the matrimonial house due to non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner seeks apology for the misconduct which he has done with his wife (daughter of the informant) and once he realizes that he has committed wrong with his own wife, in future he will not indulge in such activity, torturing his own wife. Learned counsel 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. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Mr. Manish Chandra Gandhi, learned counsel, has tendered his appearance on behalf of the O.P. No.2. He submitted that petitioner don't deserve to be released on pre-arrest bail, considering the nature of allegation made against the petitioner. However, in view of the specific information given in the open Court that the petitioner will seek apology and will negotiate with daughter of O.P. No.2, by way of last indulgence,



upon instruction, he also agrees to resolve the dispute amicably, so that the parties may either continue to live together or they may settle the dispute outside the Court by way of one time settlement.

6. Learned APP appearing on behalf of the State submitted that a chance be given to the parties for amicable settlement outside the court.

7. Learned counsel for the respective parties, on instruction, submitted that the petitioner and O.P. No.2 along with her daughter have agreed to appear before the learned District Court on 11.03.2026 at 10:30 a.m.

8. Heard the parties.

9. 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. In such situation, continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner.

10. 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.”

11. The petitioner and O.P. No.2 along with her daughter willingly desired to appear before the learned District Court on 11.03.2026, so that the matter can be referred to the District Mediation Centre.

12. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to “Mediation 2.0”.

13. Learned Mediator of the District Mediation Center concerned upon appearance of the parties on the fixed date 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 appellant in connection with the aforesaid case.

14. 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, 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.

15. In case of failure on the part of the petitioner to appear on 11.03.2026 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.

16. In case, it is deliberate on the part of the opposite party no.2 along with her daughter to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

17. 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.



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

(Purnendu Singh, J)

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