

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82448 of 2025**

Arising Out of PS. Case No.-2266 Year-2023 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

Ranjit Kumar @ Ranjeet Kumar S/o Rajeshwar Prasad Rai R/o Village -
Dhawauli, P.S - Bidupur, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chinki Kumari W/o Ranjit Kumar D/o Mahendra Rai, R/o Village -
Dhawauli, P.S - Bidupur, District - Vaishali Present Address (Naihar) - R/o
Village - Bakarpur Saramastpur, P.S - Rajapakar, District - Vaishali

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-04-2026 Heard Mr. Vasant Vikas, learned counsel appearing

on behalf of the petitioner and Mrs. Asha Devi, learned APP for

the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2266 of 2023, registered for the
offence punishable under Sections 498(A), 406, 504/34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

3. Petitioner and the O.P. No. 2 are husband and wife.

As per the desire of the parties, vide order dated 11.02.2026, the
matter was referred for settlement outside the Court. Today, it
has been informed by the parties that mediation has filed. The



petitioner seeks to be released on pre-arrest bail.

4. Learned counsel appearing on behalf of the informant submitted that petitioner has performed marriage with another woman before getting divorce from the complainant, which is again a cruelty against her.

5. Having heard the rival submissions made on behalf of the parties, as well as, information that efforts at mediation have failed, it is observed that although a matrimonial dispute is primarily a matter between the parties, the conduct of the petitioner cannot be overlooked. The petitioner, despite having a legally wedded wife (the complainant), without obtaining a divorce from the complainant, has contracted a second marriage with another woman. Such conduct is not only contrary to law but has also subjected the complainant to further cruelty. Law in this regard is well settled in the case of ***Samar Ghosh vs Jaya Ghosh reported in (2007) 4 SCC 511*** in paragraph nos. 90, 99 and 100 which is as under:

“90. We have examined and referred to the cases from the various countries. We find strong basic similarity in adjudication of cases relating to mental cruelty in matrimonial matters. Now, we deem it appropriate to deal with the 71st Report of the Law Commission of India on “Irretrievable Breakdown of Marriage”.

99. Human mind is extremely complex and human behaviour is equally complicated. Similarly human ingenuity has no bound, therefore, to assimilate the entire



human behaviour in one definition is almost impossible. What is cruelty in one case may not amount to cruelty in other case. The concept of cruelty differs from person to person depending upon his upbringing, level of sensitivity, educational, family and cultural background, financial position, social status, customs, traditions, religious beliefs, human values and their value system.

100. Apart from this, the concept of mental cruelty cannot remain static; it is bound to change with the passage of time, impact of modern culture through print and electronic media and value system, etc. etc. What may be mental cruelty now may not remain a mental cruelty after a passage of time or vice versa. There can never be any straitjacket formula or fixed parameters for determining mental cruelty in matrimonial matters. The prudent and appropriate way to adjudicate the case would be to evaluate it on its peculiar facts and circumstances while taking aforementioned factors in consideration.”

6. Learned District Court is directed to refer the matter again for settlement before the learned Mediator, who will proceed in accordance with Mediation Act, 2023, as still the complainant is ready for one time settlement.

7. In the meantime, the petitioner, above named, is directed to be released on **provisional bail**, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Complaint Case No. 2266 of 2023, subject to the condition as laid down



under Section 482(2) of the BNSS.

8. If the petitioner fails to arrive at any settlement, he is directed to be taken into custody considering the fact that till date, no divorce case has been filed between the parties. In case, the parties arrive at amicable settlement, the **provisional bail** granted to the petitioner shall be made absolute.

9. Accordingly, the present application stands disposed of.

10. 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)

Niraj/-

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

