

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85122 of 2025

Arising Out of PS. Case No.-1230 Year-2024 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Gopal Kumar @ Gopal Sah S/o Om Prakash Sah R/o Village - Sankh, Ward
No. 11, P.S - Muffasil, District - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phool Kumari W/o Gopal Kumar @ Gopal Sah R/o Village - Sankh, Ward
No. 11, P.S - Muffasil, District - Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr.Ajay Kumar No. 2, APP
For the O.P. No.2	:	Mr. Randhir Kumar No.1, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-04-2026 Heard Mr. Manoj Kumar, learned counsel appearing

on behalf of the petitioner; Mr. Ajay Kumar No. 2, learned APP

appearing on behalf of the State and Mr. Randhir Kumar No.1,

learned counsel appearing on behalf of O.P. No.2

2. The petitioner apprehends his arrest in connection

with Complaint Case No. 1230C of 2024 registered under

Section 115(2),127(1),109,85,3(5) of the BNS.

3. As per the allegation made in the FIR, the

complainant was allegedly subjected to cruelty and assault due

to non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the present case. The allegations are general and omnibus in nature. The petitioner in Paragraph No. 14 of the bail application has specifically stated that he is ready to keep his wife with full dignity and honour. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the O.P. No.2 and learned APP for the State jointly opposed the prayer for bail to the petitioner.

6. Considering the nature of allegation against the petitioner, 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.

7. 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 *Rajendra Bhagat v. State of Jharkhand*, reported in (2022) 18 SCC 465. Learned District Court is directed to examine the matter for settlement of the



dispute outside the court by way of mediation in light of the law laid down by the Apex Court in case of *Rajendra Bhagat (supra)* and take necessary steps to issue notices to the respective parties and upon their appearance refer the matter before the learned Mediator of the District Mediation Centre by fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”.

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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