

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83977 of 2025

Arising Out of PS. Case No.-203 Year-2025 Thana- FORBESGANJ District- Araria

Shivam Kumar Son of Rajesh Prasad Resident of Shastri Nagar, Ward No.-
36, P.S. Sadar, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari Daughter of Manoj Kumar Sah Resident of Haripur, Ward
No.- 2, Forbesganj, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bidhu Ranjan, Advocate.
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP.
For O.P. No.2	:	Mr. Gopal Kumar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 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 Forbesganj P.S. Case No. 203 of 2025 for the offences
punishable under Sections 126(2), 115(2), 85, 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. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is the husband of the O.P.



No.2 and the allegation levelled against him is false and concocted. The petitioner in Paragraph No. 11 of the bail application has specifically stated that he is ready to keep his wife. The petitioner has clean antecedent.

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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