

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87743 of 2025

Arising Out of PS. Case No.-683 Year-2024 Thana- FATUA District- Patna

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Kusum Devi wife of Kamlesh Kumar Resident of Village-Dumari, P.S.-
Fatuha, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Fatuha P.S.Case No.683 of 2024, registered for the
offence(s) punishable under Sections 126(2), 115(2), 109,
324(4), 85, 352 and 351 of BNS being PTN 9230/24, GR
1748/24.

3. As per the allegation made in the FIR, the marriage
of the informant was solemnized with one Bipin Kumar in the
Year, 2024 in accordance with Hindu rites and rituals but on the
instigation of her *Gotani*, her husband assaulted her in drunken
condition and throttled her to kill. Petitioner is own *Gotani* of
the informant.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and she has falsely been implicated in the present case. Learned counsel further submitted that the petitioner is own *Gotani* of the informant living in the same family, as such, quarrel between them is natural.

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

6. At this stage, the learned counsel appearing on behalf of the informant upon instruction informs that to buy peace of mind, the informant wants to settle the dispute outside the court and the petitioner has also shown her desire to appear before the learned District Court on 17.02.2026 at 10.30 A.M. so that the matter can be referred for mediation before the learned Mediator of the District Meditation Centre to resolve the dispute by way of mediation.

7. Heard the parties.

8. 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.

9. 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.”

10. The petitioner has willingly desired to appear



before the learned District Court on 17.02.2026, so that the matter can be referred to the District Mediation Centre.

11. Learned District Court is directed to 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 Center by fixing a date for appearance of the parties to give effect to mediation 2.O.

12. 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 four months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

13. 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.

14. In case of failure on the part of the petitioner to appear on 17.02.2026 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.

15. In case, it is deliberate on the part of the informant to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

16. 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.

17. With aforesaid direction and observation, the present application stands disposed of.

(Purnendu Singh, J)

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