

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87984 of 2025

Arising Out of PS. Case No.-279 Year-2025 Thana- ATHMALGOLA District- Patna

Akash Kumar S/O Chandra Shekhar Ray R/O Village- Budhara, P.S- Athmal Gola, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/O Akash Kumar, Village Budhara, P.S. Athmal Gola, District Patna. At present Priyaka Kumari D/O Paras Roy, Vilage Naya Tola Sabnima, P.S. Athmalgola, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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. At the very outset, learned counsel appearing on behalf of the petitioner seeks to implead the informant as O.P.No.2.

3. Permission accorded.

4. The petitioner seeks pre-arrest bail in connection with Athmal Gola P.S.Case No.279 of 2025, registered for the offence(s) punishable under Sections 126(2), 115(2), 85, 352 and 351(2) of BNS and Sections ¾ of D.P. Act.

5. As per the allegation made in the FIR, the marriage of the informant was solemnized with the petitioner on 18.06.2022 in accordance with Hindu rites and customs and



thereafter, the co-accused persons including the petitioners started demanding Rs.5 lac and one motorcycle as dowry and due to non-fulfilment of the same, they started torturing her badly. She further alleged that her husband has illicit relationship with his sister-in-law (*Bhabhi*). She also alleged that all the co-accused persons including the petitioner assaulted her and snatched her all the jewelry and her both children and ousted her from the house.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Learned counsel further submitted that the informant has not been assaulted nor she was ousted from the house rather she has implicated the petitioner and other family members of her in-laws only with a view to harass them.

7. 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.

8. At this stage, the learned counsel appearing on behalf of the petitioner submitted that the petitioner has shown his 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.

9. Heard the parties.

10. 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.

11. 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.”

12. 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.

13. 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.

14. 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.



15. 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.

16. 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.

17. 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.

18. 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.

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

(Purnendu Singh, J)

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