

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.90640 of 2025**

Arising Out of PS. Case No.-2077 Year-2022 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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Ziyarul Haque S/o Late Tejibur Rahman R/o- Ramchandrapur, P.S.- Pranpur,  
Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakina Khatoon D/o Isrile, W/o- Ziyarul Haque R/o Jhola, P.S.- Amdabad,  
Distt.- Katihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      04-02-2026                      Heard learned counsel   appearing on behalf of the  
  
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with C.A. P.S. Case No. 2077 of 2022 registered for the  
offence(s) punishable under Section 498A of the Indian Penal  
Code and Section 4 of D.P. Act.

3. As per the allegation made in the FIR, the  
informant, soon after her marriage, was subjected to physical  
and mental torture by her husband and her in-laws due to non-  
fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the  
petitioner submitted that petitioner is innocent and he has falsely



been implicated in the present case. He further submitted that petitioner always tries to lead a peaceful married life with the informant but she never co-operates with him on the instigation of her family members. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court.

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

6. However, at this stage, learned counsel for the respective parties, on instruction, submitted that the parties have agreed to appear before the learned District Court at 10:30 A.M. on 12.02.2026 for resolving 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 12.02.2026, 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 2.0.

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 12.02.2026 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 opposite party no.2 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)**

Ashishsingh/-

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