

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6433 of 2026

Arising Out of PS. Case No.-36 Year-2025 Thana- MAHILA P.S. District- Bhagalpur

Mithun Kumar, aged about 25 years, Male, Son of Phello Singh @ Fello Singh Resident of Village- Mohanpur, Gayaghatta, Mathurapur, Inglish, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari D/o- Jiccho Mahaldar Resident of Gorattha PS- Bhudhuchak (Kahalgaon) District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ankit Raj, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP
For the informant	:	Mr. Swapnil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 05-05-2026 Heard Mr. Ankit Raj, learned counsel appearing on behalf of the petitioner; Mr. Dr. Ajeet Kumar, learned APP for the State and Mr. Swapnil Kumar Singh, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Bhagalpur Mahila P.S. Case No. 36 of 2025 registered for the offence(s) punishable under Sections 69 of the BNS.

3. As per the allegation made in the FIR, the informant/victim alleged that she was in a relationship with the petitioner for about two years, during which he established physical relations with her on the promise of marriage. Subsequently, when she pressed for marriage, the petitioner refused. In the meantime, she was married to another person, and upon medical examination, it was revealed that she was



pregnant. She disclosed that the petitioner was responsible for her pregnancy, but he denied the same and absconded, leading to institution of the present case.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. From perusal of the FIR, it is apparent that both parties were in relationship for quite some time and enjoyed each other's company for years together and when the relationship developed, both the parties were major, however, when their relationship deteriorated, the informant lodged the present FIR. The relationship was consensual. In this regard, learned counsel has placed reliance upon a judgment of the Apex Court in case of *Naim Ahmed Vs. State (NCT of Delhi)*, reported in **2023 SCC Online SC 89**. Petitioner has clean antecedent. However, on instruction, learned counsel submitted that to buy peace of mind, petitioner wants to settle the dispute amicably outside the Court.

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

6. Counsel for the petitioner and informant on



instructions, submitted that the petitioner and informant agreed to appear before the learned District Court at **10:30 A.M. on or before 14.05.2026.**

7. Heard the parties

8. Considering the aforesaid submissions made on behalf of the parties that they want to settle the dispute outside the Court, learned District Court is directed to examine the matter for mediation in light of the law laid down by the Apex Court in the case of *Naim Ahmed (Supra)* and refer the matter under the provision of Mediation Act, 2023 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.”

9. Thereafter, learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute amicably and submit his/her report before the concerned learned District Court, well within a period of three months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

10. 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 as referred above, 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.

11. In case of failure on the part of the petitioner to appear on or before 14.05.2026 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.

12. 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.

13. 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.

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

15. 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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