

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15131 of 2026

Arising Out of PS. Case No.-55 Year-2025 Thana- Araria Sangram District- Madhubani

Md. Faij Khan @ Faij Khan, aged about 19 years, Male, S/o Md. Smasher Khan R/o -Sohpur , P.s- Araria Sangram, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Momina Khatoon D/o Kayum Khan R/o vill - Sohpora, P.S.- Araria, Sangaram, Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 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 Arariya Sangram P.S. Case No. 55 of 2025 registered for the offence(s) punishable under Sections 69, 115(2), 352 and 351(2) of the BNS.

3. As per the allegation made in the FIR, the petitioner on the pretext of marriage established physical relationship with the informant.

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. The relationship was consensual. In this regard, he 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.

5. Learned counsel appearing on behalf of the informant and learned APP appearing on behalf of State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it is evident that the petitioner and informant were in relationship for quite some time and enjoyed each other's company for years together and when their relationship deteriorated, the informant lodged the present FIR. In light of law laid down by the Apex Court in case of **Naim Ahmed (Supra)**, I am of the opinion that the petitioner has *prima facie* made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Arariya Sangram P.S. Case No. 55 of of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. Learned District Court is further 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 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.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

