

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25096 of 2026

Arising Out of PS. Case No.-171 Year-2025 Thana- DIGHALBANK District- Kishanganj

Sarfazar Alam S/O Mahjib Alam Resident of village - Mohmari Ward No.02,
Kajla Chowk, P.S. - Dighalbank, District – Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandtara Khatoon D/O Shan Mohammad Resident of village - Futaniganj
Ward No.03, P.S. - Dighalbank, District - Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kumar, Advocate
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem, APP
For the OP No2	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-04-2026 Heard learned counsel appearing on behalf of the pe-
titioner, learned APP for the State and learned counsel for the
O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Dighalbank P.S.Case No.171 of 2025 for the
offences punishable under Sections 126(2), 115(2), 356, 79, 77,
85, 351(2), 352 and 3(5) of BNS, 2023 (corresponding Section
340, 323, 498(A), 504 and 506/34 IPC) and Section 67 of I.T.
Act.

3. The allegation against the petitioner is that he has
subjected Opposite Party No. 2 (informant), who is aged about
21 years, to cruelty and is unwilling to cohabit with her. It is



further alleged that after deserting the informant, the petitioner uploaded objectionable photographs of her on social media with an intention of tarnishing her social reputation.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not willing to reside with the informant and that the governing Muslim law provides a remedy for dissolution of marriage. However, no steps have been taken by the petitioner in this regard.

5. Learned APP for the State has opposed the prayer for bail to the petitioner.

6. Learned counsel for the informant submitted that a maintenance case has been instituted, in which an interim order has been passed directing the petitioner to pay a sum of Rs. 7,500/- per month to the informant. The informant has also asserted that two children were born out of the wedlock with the petitioner.

7. Considering the nature of allegation against the petitioner, the petitioner, above named, is directed to be released **on bail provisionally** on such terms and conditions as the learned District Court deems it fit and proper, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.



8. This Court finds that 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, as has been held by the Apex Court in the case of *Rajendra Bhagat v. State of Jharkhand*, reported in *(2022) 18 SCC 465*. Learned District Court is directed to examine the matter for settlement of the dispute outside the court by way of mediation in light of the law laid down by the Apex Court in case of **Rajendra Bhagat (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 Centre by fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”.

9. In case, the parties settle their dispute, the provisional bail shall be made absolute.

10. If the petitioner does not appear before the learned district court then the informant is at liberty to inform the Police and in that circumstances, the concerned Investigating Officer is directed to forthwith take the petitioner into custody.

11. The bail application stands disposed of.



12. 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)

chn/-

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

