

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90537 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MAHILA P.S. District- Nawada

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Ranjeet Kumar S/o- Birju Singh R/o Mohalla- New Area Nawada Near Durga
Mandap PS- Nagar Distt- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reema Kumari W/o- Ranjeet Kumar R/v- New Area Ps- Nagar Dist-
Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 07-04-2026 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Mahila P.S.Case No.21 of 2025 registered for the offences
punishable under Sections 126(2), 115(2), 85, 303(2), 351(2)
and 3(5) of BNS.

3. As per the allegations made in the FIR, the
petitioner has developed relationship with 'X' and subjected the
informant to cruelty, who is the legally wedded wife of the
petitioner. It is further alleged that the husband of 'X' recorded
his statement before the police that 'X' has left her matrimonial
home and is presently residing with the petitioner.

4. The informant, who is the legally wedded wife of
the petitioner, has alleged that she has been subjected to cruelty
at the hands of the petitioner and such allegation is



corroborated by the independent witnesses, which forms part of the affidavit filed by the Superintendent of Police in compliance of the order dated 24.02.2026.

5. It further transpires that the husband of 'X' has instituted a divorce proceeding against her.

6. At the same time, it is an admitted position that the informant has not sought divorce from the petitioner. In such circumstances, the question arises as to whether the relationship between the 'X' and the husband of the informant, who is the petitioner before this Court, is legal and has any bearing in the facts of the case to consider in the light of the law laid down by the Apex Court in the case of *Joseph Shine v. Union of India* reported in *2018 SCC Online SC 2*, which led to deletion of Section 497 from the Indian Penal Code to analyze whether offence under Section 85 of the Bharatiya Nyaya Sanhita, 2023 is made out or such relationship will amount to subject the informant to cruelty.

7. Considering the materials, which have surfaced during the course of investigation, as would appear from the affidavit on record, the petitioner has certainly subjected his wife to cruelty by maintaining an open relationship with another woman ('X') without seeking divorce from his legally wedded



wife . Such open relationship is still not acceptable in the Indian Society.

8. In view of the above facts and circumstances of the case, this Court by way of an opportunity to the petitioner and Opposite Party No. 2 finds it proper to direct them to explore the possibility of reconciliation or amicable settlement outside the Court.

9. For the said purpose, in the meantime, the petitioner is directed to be released on **provisional bail** in connection with **Mahila P.S. Case No. 21 of 2025**, subject to the outcome of the settlement proceedings between the parties.

10. The learned district court is directed to refer the matter for mediation.

11. The mediation proceedings shall be conducted strictly in accordance with the provisions of the Mediation Act, 2023. In case the parties reconcile, the provisional bail granted to the petitioner shall be made absolute

12. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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