

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91860 of 2025

Arising Out of PS. Case No.-463 Year-2024 Thana- KHAJEKALA District- Patna

Md. Aslam S/o Md. Gaffar R/o Mohalla - Mogalpura, Pakki Goraiya, Patna
City, P.S - Khajekalan, P.O - Jhauganj, District - Patna, Pin - 800008
Permanent Resident of - Bhadrak Town, Bhadrak Odisha, P.S - Bhadrak, P.O -
Bhadrak, District - Bhadrak

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2026 Heard Mr. Arvind Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Bhanu Pratap Singh, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Khajekalan P.S. Case No. 463/2024 registered for the
offence(s) punishable under Sections 137/87 of the BNS.

3. As per the allegation made in the FIR, the
informant, being the father of the victim, has alleged that the
petitioner developed a relationship with his daughter on the
pretext of marriage. However, it later came to his knowledge
that the petitioner was already married and had two wives.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner and the informant belong to the Muslim community. The petitioner is willing to live with the informant's daughter. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the 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 and considering that marriage under Muslim law is a contractual relationship, and in the absence of any document evidencing a formal Nikah between the petitioner, the same cannot be confirmed but the informant's daughter admits her relationship with the petitioner, I am of the opinion that petitioner, who is willing to keep the daughter of the informant as his wife, 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 learned District Court is directed to be released on pre-arrest bail / Concerned Court in connection with Khajekalan P.S. Case No. 463/2024, subject to the conditions 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 and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

9. It is, however, open to the respective parties to settle their dispute outside the Court amicably in light of the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in *(2025) 4 SCC 78*.

10. If the parties desire to resolve the dispute outside the Court amicably by way of mediation, 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.

11. Accordingly, the present bail application stands



disposed of.

(Purnendu Singh, J)

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