

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34518 of 2025

Arising Out of PS. Case No.-102 Year-2021 Thana- VISHNUPAD District- Gaya

Sudhir Kumar, Male, aged about 34 Years, Son of Vijay Prasad R/O Village-
Horma, P.S- Khizarsarai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-09-2025 Heard Mr. Kamal Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Ram Sumiran Rai,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Vishnupad P.S. Case No. 102/2021 registered for the
offence(s) punishable under Sections 406 and 420 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the
informant has alleged that she has deposited Rs.7,00,000/- in the
account of one Sushma Kumari, who is the wife of the
petitioner, and an agreement to sale was executed on 23.11.2020
in favour of the informant by the petitioner and his signature
was also found and property for which the agreement was made
by the petitioner is in the name of his wife Sushma Kumari, who



has also filed a criminal case under Section 498(A) of the Indian Penal Code and Section 3/4 of D.P. Act against the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a constable in Border Security Force (B.S.F.) and the matter being purely civil in nature and to buy peace of mind, the petitioner is ready to hand over an amount of Rs.7,00,000/- to the informant on or before 20th November 2025.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Heard the parties.

7. Considering the fact that the matter is purely civil in nature, I find it apt to refer the law laid down by the Apex Court in the case of ***Paramjeet Batra v. State of Uttarakhand*** reported in ***(2013) 11 SCC 673***, in which, the Apex Court in paragraph no. 12, has held as follows:

"12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil



remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court."

8. The Apex has reiterated the aforesaid preposition in recent judgment of ***S.N.Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575.***

9. In view of the desire of the petitioner that he is ready to hand over an amount of Rs.7,00,000/- to the informant on or before 20th November 2025, without going into the merit of the case and the allegation made against the petitioner in the FIR, the learned District Court is directed to call upon the O.P. No.2 and see it that the parties enter into compromise. Petitioner has informed that he will return Rs.7,00,000/- to the O.P. No.2.

10. The learned District Court is directed to release the petitioner on pre-arrest bail in connection with Vishnupad P.S. Case No.102/2021 on such terms and conditions, as it deems fit and proper.

11. 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.



12. In the meantime, there shall be no coercive action against the petitioner for a period of three months.

13. The bail application stands disposed of.

(Purnendu Singh, J)

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