

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3026 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- PIPRAKOTHI District- East Champaran

1. Sitaram Singh S/O Late Rajbanshi Singh @ Late Sheobansi Singh R/o vill - Makari Mahuawa, P.S.- Piprakothi, Distt.- East Champaran
2. Harishankar Singh S/o Late Bacha Singh R/o vill - Makari Mahuawa, P.S.- Piprakothi, Distt.- East Champaran
3. Chote Singh @ Chote Babu S/o Late Bacha Singh R/o vill - Makari Mahuawa, P.S.- Piprakothi, Distt.- East Champaran
4. Raajan Singh @ Raajan Kumar S/o Late Bacha Singh R/o vill - Makari Mahuawa, P.S.- Piprakothi, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaishankar Prasad S/o Late Nathuni Baitha R/o vill - Makari Mahuawa, P.S.- Piprakothi, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Singh, Advocate Ms. Kumari Chanda, Advocate
For the Informant	:	Mr. Vijay Shankar Shrivastava, Advocate Ms. Ankita, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-12-2025 Heard learned counsel for the appellants; learned counsel for the informant and learned Spl. PP for the State.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST (POA) Act against the rejection of prayer for pre-arrest bail vide order dated 09.06.2025 passed by learned Exclusive Special Judge, SC/ST (POA) Act, East Champaran at Motihari in A.B.P. No. 2144 of 2025 arising out of Piprakothi P.S. Case No. 116 of 2025 registered under



Sections 126, 115(2), 303(2), 318(4), 316(2), 352, 3(5) of the B.N.S. and Sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the allegation made in the FIR, the informant had given Rs. 75,000 to the appellants on account of '*Jarpeski*' of a piece of land appertaining to *Khata* No. 60, *Khesra* No. 551 measuring total area 6000 Square Feet, which the appellants had not returned back to the informant.

4. Learned counsels appearing on behalf of both the parties submitted that the matter can be resolved amicably. However, the learned counsel for the respondents submitted that as the appellants have committed fraud with the informant and in case, the appellants return back the amount to the informant then the informant will not pursue with the case.

5. Learned A.P.P. for the State submitted that the matter is purely civil in nature and a chance be given to the parties to settle their dispute amicably.

6. The respective counsels appearing on behalf of the parties, on instruction, submitted that the parties have agreed to appear before the learned District Court on or before 13.01.2026.

7. Heard the parties.

8. Considering the nature of allegation made in the



F.I.R., which has a civil flavor, which *prima facie* don't disclose an overwhelming element of criminality. In the absence of the element of criminality, if both civil and criminal cases are allowed to continue, it will definitely amount to abuse of the process of the Court.

9. Law in this regard is well settled by the Apex Court in the case of ***Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673***, which is reproduced hereinafter::

"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."

10. In case of ***Usha Chakraborty v. State of West Bengal, (2023) 15 SCC 135***, while quashing the FIR therein and further proceedings based thereon, the Apex Court observed as under: -

'...the factual position thus would reveal that the genesis as also the purpose of criminal proceedings are nothing but the aforesaid incident and further that the dispute involved is



essentially of civil nature.'

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

12. The Apex Court in the case of ***Ramawatar Vs. State of Madhya Pradesh, reported in (2022) 13 SCC 635,*** wherein he contended that in similar circumstances, the Apex Court having observed that nature of dispute and settlement has to be given due regard when the crime is not against the society. In the said case, the appellant was faced with the prosecution which attracts offence under SC/ST Act and the complainant has willingly entered into compromise

13. The dispute between the parties is purely civil in nature and the parties have willingly desired to appear before the learned District Court on 13.01.2026 at 10:30 AM, so that the matter can be referred to the District Mediation Centre.

14. 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.



15. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute between the parties amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of four months, till then, no coercive action shall be taken against the appellants in connection with the aforesaid case.

16. In case of failure on the part of the appellants to appear on 13.01.2026 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the appellants shall automatically lose its force.

17. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy.

18. Accordingly, the impugned order is modified to the above extent.

19. The present application stands disposed of.

(Purnendu Singh, J)

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