

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65490 of 2025

Arising Out of PS. Case No.-398 Year-2024 Thana- GHORASAHAN District- East Champaran

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1. Bipat Ram Nath Das @ Bipat Das S/O Late Ram Nath Das Resident of Village - Ghorasahan Ward No. 08, P.S. - Ghorasahan, District - East Champaran
 2. Saheb Das Son of Late Ram Nath Das Resident of Village - Ghorasahan Ward No. 08, P.S. Ghorasahan, District - East Champaran
 3. Aniket Kumar Son of Harendra Pashwan Resident of Village Bhagwanpur Kotwa Ward No. 01, P.S. Ghorasahan, District - East Champaran.
 4. Aniket Kumar Son of Kamal Kishore Prasad Resident of Village - Ghorasahan Ward No. 05, P.S. Ghorasahan, District - East Champaran.
 5. Suraj Kumar Son of Late Tuntun Sah Resident of Village Bhagwanpur Kotwa, P.S. Ghorasahan, District - East Champaran.
 6. Omkar Kumar Son of Late Ramdeo Prasad Resident of Mohalla- Ghorasahan Tola Adarsh Nagar, P.S. - Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-09-2025 Heard Madhurendra Kumar, learned counsel
appearing on behalf of the petitioners; and Mr. Vinod Shanker
Modi, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection



with Ghorasahan P.S. Case No. 398 of 2024 registered for the offence punishable under Sections 318(4),61(2),351(3),336(3),340(2),308(2),338, of the BNS.

3. Learned counsel informs that the matter being purely civil in nature can be settled by way of mediation outside the Court.

4. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

5. Heard the parties

6. On perusal of the FIR its content discloses civil element in respect of a piece of land. It is well settled that the allegations, even if having a civil flavor to them, must *prima facie*, 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, which the Courts have always tried to prevent by putting a stop to any such criminal proceeding, where civil proceedings have already been instituted with regard to the same issue, and the element of criminality is absent.

7. 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. I find that the matter can be resolved outside the Court by way of mediation.

10. The petitioners are directed to appear before the learned District Court on 08.10.2025 sharp at 10:30 AM.

11. Learned District Court is directed to take necessary steps in light of law laid down by the Apex Court in the interest of the parties and refer the matter before the learned Mediator of the District Mediation Center.

12. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute 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 petitioners in connection with the aforesaid case.

13. In case of failure on the part of the petitioners to appear on 08.10.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

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

15. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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