

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68287 of 2025

Arising Out of PS. Case No.-380 Year-2012 Thana- LAHERIYASARAI District- Darbhanga

1. Binod Kumar Mandal Son of Late Vishwanath Mandal Resident of Mohalla - Benta Chowk, P.S.- Laheriasarai, District - Darbhanga.
2. Manjeet Kumar Mandal @ Manjit Kumar Mandal @ Mani Son of Binod Kumar Mandal Resident of Mohalla - Benta Chowk, P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha, Advocate
For the Opposite Party/s : Ms.Renuka Ratnakar (App 125)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Bimal Kumar Jha, learned counsel appearing on behalf of the petitioner and Ms. Renuka Ratnakar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Laheriasarai P.S. Case No. 380 of 2012 registered for the offence(s) punishable under Sections 323,504,384,379 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners along with other co-accused assaulted the informant and they demanded Rs.3,00,000/- from him. Further allegation is that the accused persons took away Rs.10,000/- from the pocket of the informant.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case due to land dispute. No such incidence has taken place as alleged in the FIR, in fact the informant and other co-accused persons took the petitioner no.1 in their confinement and threatened him to give his land to them and on the strength of arms, they took sign of the petitioner no.1 on the blank stamp paper. Thereafter the petitioner no.1 lodged Laheriasarai P.S. Case No.378/12 under Sections 420, 385, 386, 387 and 341/34 of Indian Penal Code against the informant and other co-accused persons and in retaliation, the informant has lodged the present FIR against the petitioner. No case under Sections 384 of Indian Penal Code is made out against the petitioner.

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

6. The obvious caveat being that the allegations, even if having a civil flavour 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. Law in this regard is well settled as in the case of ***Paramjeet Batra v. State of Uttarakhand*** reported in (2013) 11 SCC 673, the Apex Court observed that although the inherent powers of a High Court under Section 482 of the Code of Criminal Procedure should be exercised sparingly, yet the High Court must not hesitate in quashing such criminal proceedings which are essentially of a civil nature. Further in para 12 the court held as under:

"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 complaint discloses a criminal offence or not depends upon the nature of facts alleged ingredients of criminal 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. Relying upon the decision in *Paramjeet Batra*



(supra), the Apex Court in *Randheer Singh v. State of U.P.* reported in *(2021) 14 SCC 626*, observed that criminal proceedings cannot be taken recourse to as a weapon of harassment. Further, in *Usha Chakraborty & Anr. V. State of West Bengal & Anr.* reported in *2023 SCC OnLine SC 90*, it was again held that where a dispute which is essentially of a civil nature, is given a cloak of a criminal offence, then such disputes can be quashed, by exercising the inherent powers under Section 482 of the Code of Criminal Procedure.

9. Having considered the rival submissions made on behalf of the parties and having perused the allegation made in the FIR and also the fact that there is case and counter case between the parties, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

10. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Laheriasarai P.S. Case No. 380 of 2012, subject to the conditions as laid down under



Section 482(2) of the BNSS.

11. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are 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.

(Purnendu Singh, J)

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