

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2775 of 2026

Arising Out of PS. Case No.-252 Year-2025 Thana- KATEYA District- Gopalganj

Ramji Ram @ Ramaji Ram, aged about 44 years, Male, S/O Late Harihar
Ram R/O Vill.- Dube Belwa (Belwa Dube), P.S.- Kateya, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satyendra Rai, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP
For the informant	:	Mr. Abhishek Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 01-04-2026 Heard Mr. Satyendra Rai, learned counsel appearing on behalf of the petitioner; Mr. Madhura Nand Jha, learned APP for the State and Mr. Abhishek Singh, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Kateya P.S. Case No. 252 of 2025 registered for the offence(s) punishable under Sections 318(4), 338, 336(3), 336(4), 340(1) and 340(2) of the BNS.

3. As per the allegations made in the FIR, the petitioner is accused of providing a false employment letter under the pretext of securing a job for the informant's son. In this regard, the petitioner allegedly took a total sum of Rs.5,50,000/- and thereafter he has not returned the said amount



to the informant.

4. Learned counsel appearing on behalf of the petitioner and the informant jointly submitted that a sum of Rs.5,50,000/- was exchanged between the parties. Both parties acknowledge that in light of the allegations made in the FIR, the said arrangement may be considered void as being immoral in nature. In these circumstances, the parties to buy peace of mind have expressed their willingness to sit together and resolve the dispute amicably outside the Court.

5. Learned counsel appearing on behalf of the respective parties, on instruction, submitted that the petitioner and informant have agreed to appear before the learned District Court at 10:30 A.M. on or before 08.04.2026, so that the matter can be referred to the District Mediation Centre.

6. Heard the parties.

7. This court finds that if two persons agreed to commit an act which is an offence in eye of law and the agreement failed because the crime could not be committed, it cannot be said that it constitutes an offence when the agreement itself was an offence. Law in this regard is well settled by the Apex Court in the case of ***Deepak Kumar Shrivastava and Anr. vs. State of Chhattisgarh and Ors.*** reported in (2024) 3 SCC 601 in



para nos. 15 and 16 which are as under:

“15. A reading of the entire material on record clearly reflects that it was totally an unlawful contract between the parties where money was being paid for securing a job in the government department(s) or private sector. Apparently, a suit for recovery could not have been filed for the said purpose and even if it could be filed, it could be difficult to establish the same where the payment was entirely in cash. Therefore, Respondent 6 found out a better medium to recover the said amount by building pressure on the appellant and his brother by lodging the FIR. Under the threat of criminal prosecution, maybe the appellant would have tried to sort out and settle the dispute by shelving out some money.

16. In conclusion, certain key observations from the factual matrix warrant a closer reflection. Prima facie, the conduct exhibited by the parties involved appears tainted with suspicion, casting a shadow over the veracity of their claims. The report from the previous inquiry reflects a convoluted landscape and unveils a trail of unethical, maybe even criminal behaviour from both parties. The unexplained inordinate delay in bringing these allegations to the police's attention despite knowledge of previous inquiry, raises even more doubts and adds a layer of scepticism to the authenticity of the claims. The facts stated, as well as the prior inquiry, reveal a shared culpability between the parties, indicative of a complex web of deceit, and unethical transactions where even civil remedies may not be sustainable. Thus, the object of this dispute, manifestly rife with mala fide intentions of only recovering the tainted money by coercion and threat of criminal proceedings, cannot be allowed to proceed further and exploit the time and resources of the law enforcement agency.”

8. Learned District Court is directed to take necessary steps to 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 for the Nation 2.0.”

9. Thereafter, learned Mediator of the District



Mediation Center concerned shall make his/her best efforts to settle the dispute amicably, also taking into account the law laid down by the Apex Court in case of ***Deepak Kumar Shrivastava (supra)*** and submit his/her report before the concerned learned District Court, well within a period of three months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

10. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, in light of the law laid down by the Apex Court as referred above, the petitioner is required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

11. In case of failure on the part of the petitioner to appear on or before 08.04.2026 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.

12. In case, it is deliberate on the part of the informant to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

13. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioner



is directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

12. With aforesaid direction and observation, the present application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

