

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5284 of 2026

Arising Out of PS. Case No.-591 Year-2025 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Purushottam Kumar @ Purushottam Kumar Mishra Son of Sachidanand Mishra R/o Village - Marpa Tahir, Ward no. 14, P.S. - Bairganja, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Complainant	:	Mr. Suresh Prasad Bhakta, Advocate
For the State	:	Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 06-04-2026 Heard learned counsel appearing on behalf of the petitioner; learned APP for the State and learned counsel for the O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection with Complaint (C.1) Case No. 591 of 2025 registered for the offence punishable under Sections 316(2), 318(4), 3(5) of the B.N.S. read with Section 138 of N.I. Act.

3. The prosecution case, in brief, is that the complainant (Opposite Party No. 2) instituted a complaint case before the Court of the learned C.J.M., Sitamarhi, alleging therein that there was a negotiation with the petitioner for purchase of land measuring 3.5 decimals for a total



consideration of ₹40,00,000/-. Owing to long-standing cordial relations between the parties, it was agreed that the accused would execute the sale deed within 15 days of receipt of the full consideration amount. It is alleged that, relying upon such assurance, the complainant had initially paid a sum of ₹15,00,000/- in cash in presence of witnesses, and subsequently paid the remaining ₹25,00,000/- in presence of witnesses, thereby making full payment of the agreed consideration amount. However, despite repeated requests, the accused persons avoided execution of the sale deed on one pretext or another. The prosecution further alleges that in February, 2025, the complainant came to know that the accused had executed a sale deed in favour of a third party. Upon this, the complainant, along with witnesses, had approached the accused and questioned such conduct, whereupon the accused is stated to have admitted that due to pressure from local influential persons, the sale deed was not executed in favour of the complainant and assured that the amount received would be returned. It is further alleged that the petitioner had given a cheque amounting to rupees fourty lakhs to the complainant, which was dishonoured on 13.05.2025 with the endorsement of insufficient fund.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in the case. He further submits that the matter primarily relates to civil dispute between the parties and for amicable settlement of dispute between the parties outside the Court, the matter be referred for mediation.

5. Learned APP appearing on behalf of the State and learned counsel appearing on behalf of the O.P. No.2 jointly submitted that a chance be given to the parties for amicable settlement outside the court.

6. The petitioner's counsel informs that he has received instruction that the petitioner also wants to reconcile the dispute by way of mediation.

7. Both the parties have agreed to appear before the learned District Court at 10:30 A.M. on 15.04.2026 for resolving the dispute by way of mediation.

8. Heard the parties

9. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I am of the opinion that an opportunity is required to be given to the parties to settle their score amicably outside the Court.



10. In this regard, I find it apt to take note of the observation made by the Apex Court in 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."
(emphasis supplied)

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. Both the parties have willingly desired to appear before the learned District Court on or before 15.04.2026, so that the matter can be referred to the District Mediation Centre.

13. 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”.

14. Learned Mediator of the District Mediation Center concerned, upon appearance of the parties, 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 three months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

15. 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 hereinabove, 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.

16. In case of failure on the part of the petitioner to appear on 15.04.2026 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.

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



18. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioners are directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

19. If both the parties arrive at amicable settlement, then they must withdraw the criminal cases, if any, which they have lodged against each other.

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

21. Let a copy of this order be communicated to the Member Secretary, Bihar State Legal Services Authority and the Patna High Court Mediation Centre for the purpose of record.

(Purnendu Singh, J)

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