

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7525 of 2026

Arising Out of PS. Case No.-315 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Rakhi Sharma W/o Akhilesh Kumar Sharma
 2. Akhilesh Kumar Sharma S/o Deo Narayan Sharma
 3. Rajendra Sharma S/o Ramakant Sharma
- All are R/o Village- Rahimapur Angar, P.S - Angarghat, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Tazuddin S/o Late Md. Ali R/o Mohalla - Dharampur, Ward No. 01, P.S - Samastipur (Town), District - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dilip Kumar Roy, Advocate
For the Opposite Party/s	:	Mr.Jai Narain Thakur, APP
For the O.P. No.2	:	Mr. Mazharul Hassan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 12-05-2026 Heard Mr. Dilip Kumar Roy, learned counsel appearing on behalf of the petitioners; Mr. Jai Narain Thakur, learned APP for the State and Mr. Mazharul Hassan, learned counsel for the O.P. No.2.

2. The petitioners seek pre-arrest bail in connection with C.R. No.315 of 2022 registered for the offence(s) punishable under Sections 420 of the Indian Penal Code.

3. As per the allegations made in the FIR, the petitioners entered into an agreement to sell their land to the complainant for a consideration amount of Rs.14,00,000/-,



pursuant to which the complainant allegedly transferred Rs.4,80,000/- to the bank account of accused Akhilesh Sharma (petitioner no.2) and paid Rs.8,00,000/- in cash to accused Rajendra Sharma (petitioner no.3) and Akhilesh Sharma, but thereafter the petitioners neither executed the sale deed nor refunded the amount advanced by the complainant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case. However, on instruction, learned counsel submitted that the matter is purely civil in nature and to buy peace of mind, petitioners want to settle the dispute amicably outside the Court.

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

6. Counsels for the respective parties on instructions, submitted that the petitioner and O.P. No.2 have agreed to appear before the learned District Court at 10:30 A.M. **on or before 19.05.2026.**

7. Heard the parties

8. Considering the nature of allegation made in the



F.I.R. which has a civil flavour and the same *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 law.

9. In this regard, I find it apt to refer the observation made by the Apex Court in para-12 in 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 preposition in its recent judgment of ***S.N. Vijayalakshmi & Ors. Vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575.***

12. Learned District Court is directed to refer the matter before the learned Mediator of the District Mediation Center under the provision of Mediation Act, 2023 by fixing a date for their appearance to give effect to “Mediation for the Nation 2.0.”

13. Thereafter, learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute amicably 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 petitioners in connection with the aforesaid case.

14. 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 petitioners are required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

15. In case of failure on the part of the petitioners to



appear on or before 19.05.2026 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.

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

17. 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.

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

19. 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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