

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9169 of 2026**

Arising Out of PS. Case No.-232 Year-2025 Thana- JAYNAGAR District- Madhubani

Sunil Kumar Singh @ Ram Sogarath Singh @ Sogarath Singh S/o Late Bisho  
Singh R/o Village- Jay Nagar Basti, P.S- Jay Nagar, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Santosh Kumar Verma, Advocate |
| For the Informant    | : | Mr. Murlidhar Mishra, Advocate    |
| For the State        | : | Mr. Humayou Ahmad Khan, A.P.P.    |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

4      07-05-2026                      Heard learned counsel appearing on behalf of the  
  
petitioner; learned counsel for the informant and learned APP  
  
for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Jay Nagar P.S. Case No. 232/2025 registered for the  
offence punishable under Sections 338, 336(3), 340(2) and  
318(4) of the BNS.

3. As per the allegation made in the FIR, the  
petitioner, who is own uncle of the informant, has fraudulently  
sold the land of the informant appertaining to Old Khata No  
598, Plot No. 9676, New Khata No. 2811, Plot No. 13029  
situated under Mauza Usrahi Dewdha, Thana No. 14, Anchal-  
Jay Nagar measuring total area 5 Khatha 10 Dhur.



4. Learned counsel appearing submitted that the petitioner is innocent and has been falsely 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, petitioner wants to settle the dispute amicably outside the Court.

5. Learned counsel appearing on behalf of the informant 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. Learned counsel for the petitioner and informant on instructions, submitted that the petitioner and the informant have agreed to appear before the learned District Court at **10:30 A.M. on or before 15.05.2026.**

7. However, learned counsel for the informant informs that the informant is a bank employee and presently, he is posted at Kolkata so he may be given liberty to appear before the learned District Court and before the learned Mediator through his counsel.

8. Heard the parties.

9. 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.

10. 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."*

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. Both the parties have willingly desired to appear before the learned District Court on or before 15.05.2026, 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. The informant may be represented through his counsel before the learned District Court and before the learned Mediator considering the fact that he is a bank employee and at present, he is posted at Kolkata.

15. 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.

16. 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.

17. In case of failure on the part of the petitioner to



appear on or before 15.05.2026 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.

18. 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.

19. 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.

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

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

22. 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)**

Niraj/-

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