

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9822 of 2026

Arising Out of PS. Case No.-16 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Arun Mandal Son of Late Vindeshwari Mandal Resident of Village-
Babuchakla, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Singh @ Satyanarayan Bansidhar Son of Late Arjun Singh Resident of Village- Bandehra, P.S.- Pasraha, District- Khagaria. At present resident of house no. 96, second floor, Gali no. 12, Ambedkar Choupal, Dhirpur, P.S.- Mukiharjee Nagar, District- Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Shiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 06-05-2026 Heard Mr. Santosh Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Kumar Veerendra
Narayan, learned APP for the State, as well as, Mr. Shiv Kumar,
learned counsel appearing on behalf of the Informant.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 16C/2021 registered for the offence(s)
punishable under Sections 420,467,468,120(B) of the IPC.

3. As per the allegation made in the FIR, the
informant alleged that the petitioner and others agreed to sell a
specific parcel of land to him for a consideration of Rs.
4,00,000/-, out of which Rs. 2,00,000/- was paid in advance and
an agreement was executed on stamp paper. However, despite



repeated requests and readiness on the part of the informant to pay the remaining amount, the accused persons avoided execution of the sale deed and allegedly, in furtherance of a conspiracy, dishonestly retained the money and refused to transfer the land, thereby committing cheating.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel further submitted that there are no ingredients constituting an offence under Section 420 of the Indian Penal Code, and the allegations, even if taken at their face value, do not make out a case of cheating. The petitioner has no criminal antecedent. The matter primarily relates to monetary transaction between the parties and for amicable settlement of dispute between the parties outside the Court, the matter be referred for mediation.

5. *Per contra*, 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 appearing on behalf of the petitioner, on instructions, submitted that the petitioner has agreed to appear before the learned District Court at 10:30 A.M.



on 14.05.2026.

7. Heard the parties

8. 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 and the Opposite Party No. 2 is permitted to seek exemption from personal appearance, and his learned counsel shall be permitted to represent him on each and every date fixed before the learned Mediator.

9. 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)

10. 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***.

11. The petitioner has willingly desired to appear before the learned District Court on or before 14.05.2026, so that the matter can be referred to the District Mediation Centre.

12. Learned District Court is directed to issue notice to O.P. No.2 and 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”.

13. 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.

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 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.

15. In case of failure on the part of the petitioner to appear on 14.05.2026 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.

16. 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.

17. 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.

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

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

(Purnendu Singh, J)

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