

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9846 of 2026

Arising Out of PS. Case No.-269 Year-2025 Thana- JAMHOR District- Aurangabad

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1. Sudheer Kumar Singh @ Sudheer Singh S/o Surya Dev Singh R/o vill-
Ramchandra Nagar, Batwa, P.S.- Jamhore, Distt.- Aurangabad, Bihar
 2. Jyoti Prakash @ Guddu S/o Sudheer Kumar Singh @ Sudheer Singh R/o
vill- Ramchandra Nagar, Batwa, P.S.- Jamhore, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bholanath Agarwal Son of late Mangat Ray Agarwal Resident of Mohalla
-128/231, h.Block, Kidwainagar, Kanpur, Uttar Pradesh

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

For the Informant : Mr.Rahul Rathour, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-05-2026 Heard Mr. Aman Vishal, learned counsel appearing on behalf of the petitioners and Mr. Vinod Shanker Modi, learned APP for the State, as well as, Mr. Rahul Rathour, learned counsel appearing on behalf of Informant.

2. The petitioners seek pre-arrest bail in connection with Jamhore P.S. Case No. 269/2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 109, 318(4), 351(2), 352, 3(5) of the BNS.



3. As per the allegation made in the FIR, the informant agreed to sell his dumper for Rs. 36,00,000/- to one Achal Prakash, who, on the pretext of arranging finance, got the N.O.C. transferred in his name but failed to pay the consideration amount and when the informant went to demand the money, the petitioners called him inside the house, abused and assaulted him, and attempted to strangle him with an intention to kill.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. The primary allegation relates to non-payment of consideration by co-accused Achal Prakash in a vehicle transaction, which is essentially civil in nature, and no specific overt act is attributed to the present petitioners except general and omnibus allegations of assault and intimidation. The informant has not sustained any injury, and the allegations are vague and concocted. The petitioners had no role in the transaction and have been implicated only due to relationship with the co-accused and business rivalry. 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 petitioners, on instructions, submitted that the petitioners have 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.

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 petitioners have 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 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 hereinabove, 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 14.05.2026 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. 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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