

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14547 of 2026

Arising Out of PS. Case No.-487 Year-2025 Thana- SHERGHATI District- Gaya

Jaisri Nandan Prasad Son of Late Sheo Shankar Lal Resident of Mohalla-
Dulhin Mandir, Lagan Takiya, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Thakur Ravindra Nath Verma son of Ram Bilas Singh Resident of village -
Taroba, P.S.- Gurua, Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Manoj Kumar, APP
For the informant	:	Md. Ejaz Akhter, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2026 Heard learned counsel appearing on behalf of the

petitioner; learned APP for the State and learned counsel for the

informant.

2. The petitioner seeks pre-arrest bail in connection
with Sherghati P.S. Case No. 487 of 2025 registered for the
offence(s) punishable under Sections 420,467,468,471,506 and
34, of the Indian Penal Code.

3. The prosecution story in brief is that the land
appertaining to C.S. Khata No. 1172, C.S. Plot No. 3000
corresponding to New Plot No. 4361 and other allied lands were
originally settled in favour of late Gokhulanand Prasad by the
ex-landlord Babu Abul Khair Khan through registered Patta



Kabuliyat dated 16.06.1948, and after his death the property devolved upon his legal heirs, from whom the complainant purchased different portions of the land through registered sale deeds dated 19.12.2017, 01.05.2018 and 14.07.2018 and came in possession thereof with rent demand opened in his name. It is alleged that thereafter accused Jai Srinandan Prasad, in conspiracy with the other accused persons, started interfering with the complainant's possession and fraudulently executed a forged sale deed bearing No. 2850 dated 27.06.2020 in favour of accused Surendra Kumar Suman @ Bhafat Yadav with respect to the same land despite having no right or title over it, wherein accused Bimala Devi, Sudama Singh and Pravin Kumar acted as witnesses and accused Ajay Kumar Singh, Addl. Registrar, Sherghati, allegedly facilitated the registration without proper verification. The complainant further alleged that upon protest he was threatened, abused and assaulted by the accused persons on 14.08.2020, and when the local police refused to lodge the case, the present complaint petition was filed alleging offences of forgery, cheating, criminal conspiracy, assault and criminal intimidation.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has



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, petitioner wants to settle the dispute amicably outside the Court.

5. Learned counsel appearing on behalf of the O.P. No.2/complainant 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 27.05.2026.**

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 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 above, 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 or before 27.05.2026 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. 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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