

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18781 of 2026

Arising Out of PS. Case No.-1900 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Ambika Sao @ Ambika Prasad S/o Late Indradeo Sao R/o Village -
Gurudwara Road, P.S - Kotwali, District - Gaya.
 2. Mukhlal Sao @ Mukhlal Prasad Gupta @ Mukhlal Gupta S/o Late Indradeo
Sao R/o Village - Gurudwara Road, P.S - Kotwali, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kameshwar Sao S/o Late Indradeo Sao R/o Village - Dumrichatti, P.S -
Fatehpur, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

For the Informant : Mr.Abhijeet Abhigyan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 15-07-2026 Heard Mr. Onkar Nath, learned counsel appearing on
behalf of the petitioners; Mr. Humayou Ahmad Khan, learned
APP for the State and Mr. Abhijeet Abhigyan, learned counsel
appearing on behalf of the Informant.

2. The petitioners seek pre-arrest bail in connection
with Complaint Case No. 1900/2023 registered for the
offence(s) punishable under Sections
323,341,342,379,120B,420,467,468,471 of the IPC.



3. As per the allegation made in the FIR, the petitioners, in conspiracy with the co-accused, fraudulently transferred the ownership of the complainant's truck by forging his signature on the No Objection Certificate and thereafter assaulted and threatened the complainant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated due to a family and property dispute. He submitted that the complainant himself was aware of the proposed sale of the vehicle since September, 2021 and had executed a notarized agreement acknowledging the transaction. He further submitted that the complainant had himself obtained the N.O.C. from Tata Motors and had participated in the transfer process after receiving consideration. Learned counsel also submitted that the complaint has been instituted after an unexplained delay of more than two years. 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 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 28.07.2026.

7. Heard the parties

8. Having heard the rival submissions made on behalf of the parties and upon perusal of the materials available on record, it appears that the specific allegation against the petitioners is of forging the signature of the complainant on the No Objection Certificate and fraudulently transferring the ownership of the truck bearing Registration No. BR-02Q-6476 in favour of a third person, though the dispute has arisen between real brothers. Considering the relationship between the parties and the attendant facts and circumstances of the case, I am of the opinion that an opportunity deserves to be given to the parties to settle their dispute 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 28.07.2026, 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 28.07.2026 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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