

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14768 of 2026

Arising Out of PS. Case No.-91 Year-2025 Thana- LAUKAHI District- Madhubani

-
1. Akhtar Hussain S/o Md. Yushuf Marhoom
 2. Kaishar Hussain @ Kesar Hussain, S/o Md. Akhtar Hussain
Both are Resident of village - Laukahi, P.s- Laukahi, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Gupta S/o Late Dawarka Prasad R/o village - Laukahi, P.s-
Laukahi, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the Informant	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-07-2026 Heard learned counsel appearing on behalf of the

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

O.P. No.2.

2. The petitioners seek pre-arrest bail in connection
with Laukahi P.S. Case No. 91 of 2025 registered for the offence
punishable under Sections 126(2), 115(2), 303(2), 316(2), 352,
351(2) and 3(5) of the BNS.

3. The prosecution case, in brief, is that the informant
alleged having paid ₹2,00,000/- to accused Kesar Hussain on
15.03.2021 pursuant to an agreement for the sale of 10 dhurs of
land for a total consideration of ₹2,50,000/-, with the assurance



that the sale deed would be executed within five to six months. It is alleged that despite the lapse of the stipulated period, the accused failed to execute the sale deed and continued to postpone the matter. Subsequently, on 26.03.2025, when the informant visited the accused's house and demanded execution of the sale deed, the accused persons allegedly abused and assaulted him. It is further alleged that during the occurrence, the accused persons forcibly took away ₹5,000/- in cash from the informant's pocket.

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 O.P. No. 2 and learned APP appearing on behalf of the State jointly submitted that a chance be given to the parties for amicable settlement outside the court.

6. Learned counsel appearing on behalf of the parties, on instructions, submitted that the parties have agreed to appear before the learned District Court at 10:30 A.M. on or before



17.07.2026.

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. In case of ***Usha Chakraborty v. State of West Bengal***, reported in ***(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 proposition in 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 17.07.2026, 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. 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.

15. 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.

16. In case of failure on the part of the petitioners to appear on or before 17.07.2026 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.

17. In case, it is deliberate on the part of the O.P. No.2 to reconcile, then in that case, the interim protection granted to the petitioners shall continue and the trial shall proceed in accordance with law.

18. 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.

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



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

21. 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/-

U		T	
---	--	---	--

