

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20383 of 2026

Arising Out of PS. Case No.-1837 Year-2014 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Upendra Thakur S/o Bhageran Thakur C/o D.O. Gitanjali Udyog Limited
Branch- Lalganj, Teenpulwa Chowk, Permanent Address- R/o Village-
Parmanandpur, P.S- Lalganj, Dist- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Rai S/o Sukhdev Rai R/o Village- Maanpur, P.S- Lalganj, Dist-
Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2026 Heard Mr. Niranjan Parihar, learned counsel

appearing on behalf of the petitioner and Mr. Mohammad

Sufyan, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1837/2014 registered for the
offence(s) punishable under Section 420 of the Indian Penal
Code and Section 138 of the N.I. Act.

3. As per the allegations made in the FIR, the
petitioner, who is stated to be a (D.O.) of a company, namely
Gitanjali Udhyog Ltd., induced the complainant to invest money
on the assurance of a higher return with a better rate of interest
than that offered by banks. Acting upon such representation, the
complainant deposited a total sum of Rs. 1,92,000/-. However,



upon completion of the stipulated period, the petitioner failed to return the maturity amount, which was stated to be Rs. 2,32,000/-. It is further alleged that another co-accused/Parmashish Bhaduri issued a cheque dated 31.01.2014 in favour of the complainant for an amount of Rs. 2,29,760/-, which, upon presentation, was dishonoured.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that the sole responsibility is of the Director of the Company who has committed forgery with the depositors and the petitioner being the employee of the Company is only responsible to issue the cheque. 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 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 petitioner on instruction, submitted that the petitioner has agreed to appear before the learned District Court at **10:30 A.M. on or before 27.04.2026.**



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 take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after issuing notice to the O.P. No.2 and the **Director of the Company, details of whom will be given by the petitioner,** 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 27.04.2026 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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