

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30341 of 2026

Arising Out of PS. Case No.-356 Year-2025 Thana- TURKAULIYA District- East
Champaran

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1. Sanjiv Kumar Sinha S/o Chinta Haran Pd Singh Resident of village-
Parshurampur, P.S.- Turkauliya, District- East Champaran
 2. Ekta Sinha W/o Sanjiv Kumar Sinha Resident of village- Parshurampur,
P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Jagdhara Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 13-05-2026 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Turkauliya P.S. Case No. 356 of 2025 registered for the
offence punishable under Sections 351(2), 351(3), 351(4),
308(2) and 352 of the BNS, 2023.

3. Prosecution case, in brief, is that the informant,
Suman Kumar Sinha, alleged before the S.H.O., Turkauliya P.S.,
on 21.07.2025 that ancestral land measuring 16 kathas 18 dhurs
appertaining to Khata No. 99, Khesra No. 24 situated at Mauza-
Parshurampur, District-East Champaran, which had fallen into



the share of the informant's father in Partition Suit No. 10/1976, was illegally sold by Sanjeev Kumar Sinha (Petitioner No. 1) in the name of his wife and others, for which Town Motihari P.S. Case No. 687 of 2022 was instituted. The petitioner no.1 again transferred the said land on the basis of forged and fabricated documents to certain land *mafias* and, in conspiracy with them, threatened the informant with dispossession and dire consequences.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the case. He further submitted that the matter primarily relates to land dispute between the parties which is civil in nature. There is case and counter case between the parties. Father of the informant has already filed Civil Suit bearing Title Suit No. 305/2023 on 03.05.2023 for cancellation of the sale deed and the present case has been filed by the informant on 21.07.2025. It is further submitted that for amicable settlement of dispute between the parties outside the Court, the matter be referred for mediation.

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. 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 or before 05.06.2026.

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 05.06.2026, so that the matter can be referred to the District Mediation Centre.

12. Learned District Court is directed to take necessary steps to issue notices to the respective parties and upon their appearance, 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 or before 05.06.2026 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 informant 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.

20. 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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