

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44922 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- MAHILA PS District- Gaya

Manoj Kumar aged about 51 yrs. (Male) S/o Devendra Prasad, Resident of Vidya Prakash Mandir, Magadh Medical College, P.S.- Magadh Medical College and Hospital, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Informant : Mr. Amritanshu Dangi, Advocate
For the State : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 21-01-2026

Heard Mr. Pankaj Kumar, learned counsel

appearing on behalf of the petitioner; Mr. Amritanshu Dangi, learned counsel for the informant and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mahila P.S. Case No. 56 of 2024 registered for the offence punishable under Sections 316(2), 316(5) and 64 of the BNS.

3. Prosecution case, in brief, is that the petitioner had fraudulently taken Rs. 11 Lakh from the informant on the pretext of providing government teacher job to him but he could not provide government teacher job to him. When the informant demanded her money back, the petitioner had allegedly



confined her in a room and committed rape with her.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in the case. Allegation of offence committed under Section 64 of the BNS is ornamental. He further submits that the matter primarily relates to monetary transaction between the parties and the dispute can be settled amicably by way of mediation.

5. Learned counsel appearing on behalf of the informant has opposed the prayer for grant of pre-arrest bail, however, he also informs that the O.P. No. 2 is willing to resolve the dispute amicably outside the Court.

6. Learned APP appearing on behalf of the State submitted that so far as allegation in respect of committing offence under Section 64 of the BNS, there is no sign of sexual intercourse and the informant has given contradictory statement in course of investigation a chance be given to the parties for amicable settlement outside the court.

7. However, at this stage, learned counsel for the respective parties, on instruction, submitted that the parties have agreed to appear before the learned District Court at 10:30 A.M. on 19.02.2026 for resolving the dispute by way of mediation.



8. Heard the parties

9. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I am of the opinion that primarily the parties are aggrieved with certain transaction of money and an opportunity is required to be given to the parties to settle their score amicably outside the Court.

10. 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)

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. The parties have willingly desired to appear before the learned District Court on or before 19.02.2026, so that the matter can be referred to the District Mediation Centre.

13. 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.

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 four months, till then, no coercive action shall be taken against the petitioner 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 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.



16. In case of failure on the part of the petitioner to appear on 19.02.2026 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.

17. In case, it is deliberate on the part of the informant to reconcile, then in that case, the interim protection granted to the petitioner 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, 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.

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.

(Purnendu Singh, J)

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