

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49895 of 2025**

Arising Out of PS. Case No.-2990 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Sanjay Kumar S/o- Late Bhagwati Prasad @ Late Bhagwati Prasad Srivastava
Resident of Village- Goraul, P/S- Goraul, District- Vaishali, at present
Deepnaraya Singh Colony, Hathsarganj, P/S- Town, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vinod Kumar S/o- Late Ram Swaroop Rai Village- Goraul Bhagwanpur Ps-
Goraul Dist- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 17-01-2026 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and Mr. Ram Naresh Ray,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with complaint Case No. C-1-2990/19 registered for the
offence(s) punishable under Section 420, 465, 467 and 471 of
the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner unlawfully grabbed the property of his cousin namely
Kiran Kumari, the sole heir of Late Umeshwar Prasad, after her
parents' death and the complainant is the purchaser of the
aforesaid land from the said Kiran Kumari.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. A civil land dispute is already pending in Partition Suit No. 62/2022 between the parties, and that the complainant lacks *locus standi*, having filed the case only to challenge mutation, however, considering the fact that the matter is purely civil in nature, the petitioner, in order to buy peace of mind and to get rid of the criminal prosecution, is ready to settle the dispute amicably outside the Court.

5. Learned APP for the State submitted that the matter can be settled amicably outside the Court.

6. Heard the parties.

7. Considering the nature of allegation against the petitioner, I find that the matter can be resolved amicably outside the Court by way of mediation. Law also permits the settlement or to avail civil remedy. The Apex Court in the 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."

8. The Apex Court has reiterated the aforesaid preposition in recent judgment of ***S.N.Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575.***

9. The petitioner and o.p. no.2 are directed to appear before the learned District Court on 17.02.2026 at 10.30am.

10. 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.

11. Learned Mediator of the District Mediation Center concerned 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 six months. Till then, no coercive steps shall be taken against the petitioner in connection with the aforesaid case.



12. In case of failure on the part of the petitioner to appear on 17.02.2026 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.

13. In case, the parties fail to reconcile, then in that case the parties may avail appropriate remedy.

14 Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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