

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80579 of 2025

Arising Out of PS. Case No.-192 Year-2025 Thana- CIVIL LINE District- Gaya

1. Kundan Kumar Bharti, Male, aged about 30 years, S/O Ashok Paswan R/O Village- Katari Hill, P.S.- Chandauti, District- Gaya
2. Sanjay Yadav, aged about 46 years, S/O Late Lalu Yadav @ Lalu Singh R/O Village- Katari Hill, Baljori Bigha, P.S.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-04-2026 At the outset, learned counsel appearing on behalf of the petitioners submits that during the pendency of the present bail application, petitioner no. 2 was arrested and was subsequently granted bail by the learned District Court.

2. Heard Mr. Dhirendra Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Parmanand Kumar, learned APP for the State.

3. The petitioner no.1 seeks pre-arrest bail in connection with Civil Lines P.S. Case No. 192 of 2025 registered for the offence(s) punishable under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2), 3(5), of the BNS.

4. As per the allegation made in the FIR, the



petitioners along with other co-accused persons had sold a piece of land bearing Khata No.186, Plots No.633, 627, 631, 505, 517, 520 and 519 on the basis of forged sale deed and power of attorney and had got the aforesaid land mutated in their name and forcibly removed the informant from the possession of the aforesaid land.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has not committed any forgery rather the co-accused Anil Sharma, who has been given power of attorney by the informant, has executed the sale deed in favour of the accused persons. Petitioner was also the witness of the said power of attorney and legality of said power of attorney and for cancellation of such sale deeds is subject matter of Title Suit No.337 of 2025. The allegation itself is devoid of any element of criminality. 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.

6. Learned APP appearing on behalf of the State submitted that a chance be given to the parties for amicable settlement outside the court.

7. Counsel for the petitioner on instruction, submitted



that the petitioner no.1 has agreed to appear before the learned District Court at **10:30 A.M. on or before 04.05.2026.**

8. Heard the parties

9. 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, as the title suit no.337/2025 is still pending and petitioner wants to settle the dispute outside the court.

10. 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."



11. 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.’

12. 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***.

13. Learned District Court is directed to take necessary steps to refer the matter under the provision of Mediation Act, 2023 before the learned Mediator of the District Mediation Center after issuing notice to the O.P. No.2 by fixing a date for their appearance to give effect to “Mediation for the Nation 2.0.”

14. 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 no.1 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 above, the petitioner no.1 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 no.1 to appear on or before 04.05.2026 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 complainant/informant to reconcile, then in that case, the interim protection granted to the petitioner no.1 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 no.1 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. So far as petitioner no.2 is concerned, it has been informed that the petitioner no.2 was arrested during the pendency of the present bail application and he was released on



regular bail, however, in absence of such information or supplementary affidavit having been filed in this regard on behalf of the petitioner no.2, the said information is required to be verified by the learned District Court and as such, no order is passed in respect of petitioner no.2.

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.

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

(Purnendu Singh, J)

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