

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.674 of 2026

Arising Out of PS. Case No.-2863 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Dr. Vishal Sinha S/o Late Jitendra Prasad Sinha R/o - 17/4, Hut Lane, Haora Corporation, P.O - Haora, District - Haora, West Bengal, Presently R/o Nilima Apartment, 4th Floor, Flat no. 406, 77 Panchanan Tola Road, P.O. and P.s.- Bally, Distt.- Howrah, West Bengal
 2. Vikash Sinha S/o Late Jitendra Prasad Sinha Presently R/o Nilima Apartment, 4th Floor, Flat no. 406, 77 Panchanan Tola Road, P.O. and P.s.- Bally, Distt.- Howrah, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ishtiyaque Ahmad, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-04-2026 Heard Mr. Ishtiyaque Ahmad, learned counsel

appearing on behalf of the petitioners and Mr. Rajendra Prasad

Nat, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Complaint Case No. 2863(c)/2019 registered for the
offence(s) punishable under Sections 420, 406, 120 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the
complainant entered into an agreement with the petitioners and
one co-vendor for purchase of 1½ kathas of land along with an
old house situated at Navratanpur, Patna, for a total



consideration of Rs. 75,00,000/-. Pursuant to the agreement, the complainant paid Rs. 5,00,000/- by cheque and subsequently paid Rs. 20,00,000/- through bank draft and cheques on the demand of the petitioners. It is alleged that on 30.03.2019, petitioner no. 2 took the original agreement from the complainant on the pretext of verification and handed it over to his maternal uncle, who thereafter failed to return the same despite repeated requests.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the case. The criminal proceedings arising out of Complaint Case No. 2863(c)/2019. Learned counsel for the petitioners submitted that the present complaint case is false and malicious. The alleged agreement dated 08.01.2019 does not bear the signature of the complainant and is thus unenforceable. The complainant had paid only Rs. 5,00,000/- as advance, which was returned upon his inability to proceed, and the unsigned agreement was taken back by mutual consent. The allegation of further payment through one Vivek Kumar is stated to be concocted, unsupported by any evidence. The petitioners have lawfully sold the property to a third party and the present case has been filed to harass and extort money.



The petitioners assert their willingness to settle the matter on the basis of the company's official ledger after due adjustment of returned goods, contending that the dispute arises out of a contractual business transaction and is purely civil in nature, for which a criminal proceeding under Section 406 is not maintainable. The matter primarily relates to monetary transaction between the parties and for amicable settlement of dispute between the parties outside the Court, the matter be referred for mediation.

5. *Per contra*, 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 16.04.2026.

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***.

12. The petitioners have willingly desired to appear before the learned District Court on or before 16.04.2026, so that the matter can be referred to the District Mediation Centre.

13. Learned District Court is directed to issue notice to O.P. No.2 and take necessary steps to 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”.

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 three months, till then, no coercive action shall be taken against the petitioners 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 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.

16. In case of failure on the part of the petitioners to appear on 16.04.2026 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.

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

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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