

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89994 of 2025

Arising Out of PS. Case No.-575 Year-2015 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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1. Prem Prakash Rai @ Mahesh Rai Son of Late Dhanushdhari Rai Resident of Mohalla - Naya Tola, Saristabad, Pather Gali (M.I. Lane), P.O.- G.P.O., P.S.- Gardanibagh, District - Patna.
 2. Rinku Kumar @ Bhanu Pratap Son of Prem Prakash Rai @ Mahesh Rai Resident of Mohalla - Naya Tola, Saristabad, Pather Gali (M.I. Lane), P.O.- G.P.O., P.S.- Gardanibagh, District - Patna.

... .. petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Baijnath Prasad Resident of Mohalla - Vijay Complex, Flat No.- 103-B, Bazar Samiti, Rampur Road, P.S.- Bahadurpur, District - Patna.

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Jagjit Roshan, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-01-2026 Heard Mr. Jagjit Roshan, learned counsel appearing on behalf of the petitioners and Mr. Umeshanand Pandit, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with complaint Case No. 575/2015 registered for the offence(s) punishable under Section 379, 385 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, is that Rakesh Kumar had signed a development agreement with the accused, Prem Prakash Rai, alias Mahesh Rai, and Rinku



Kumar, alias Bhanu Pratap, to construct a multi-story building. After completing the work as per the agreement, he handed over the flats to them according to their percentage. Despite this, the accused threatened the complainant and extorted large sums of money from him. On 10.05.2015, at approximately 8:30 p.m., the complainant was leaving his residence for a market to purchase household items. Meanwhile, the two accused, having agreed to carry out the crime, were sitting in their cowshed on the west side of the complainant's Vijay Complex, which also contained a licensed tractor. They suddenly surrounded the complainant and claimed that they had demanded three lakh rupees from him, which he had not paid. "If you don't pay, you're an Englishman," they said, "and we'll kidnap you now. No one will do anything to you." Meanwhile, all the accused caught hold of the complainant and started slapping him and forcibly took him in their car. Co-accused Rinku Kumar took out the purse from the back pocket of the complainant's pants, which contained Rs. 25000/- and Mahesh Rai snatched a gold chain weighing three tolas from the complainant's neck, meanwhile, seeing the incident, people from nearby gathered, upon which the accused demanded a sum of Rs. three lakhs and in case of failure to fulfill it in a week, they would kidnap him



and kill him or get him killed.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. Though the petitioners have not entered into any agreement with the informant, however, considering the fact that the matter is purely civil in nature, the petitioners, in order to buy peace of mind and to get rid of the criminal prosecution, are 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. Learned counsel appearing on behalf of the petitioner, on instructions, submitted that the petitioner has agreed to appear before the learned District Court at 10:30 A.M. on 12.02.2026.

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 FIR, 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 petitioner has willingly desired to appear before the learned District Court on or before 12.02.2026, 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.

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

15. In case of failure on the part of the petitioner to appear on 12.02.2026 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.

16. 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.



17. 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.

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.

(Purnendu Singh, J)

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