

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89482 of 2025

Arising Out of PS. Case No.-380 Year-2025 Thana- BAKHTIYARPUR District- Patna

Dilip Kumar Son of Surendra Prasad R/o Village - Chanda, P.S. - Athmalgola,
Dist. - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Richa, Advocate
For the Opposite Party/s :	Ms.Asha Kumari, APP
For the Informant :	Mr.Bindhyachal Singh, Sr. Advocate
	Mr.Aakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-04-2026 Heard Ms. Richa, learned counsel appearing on behalf of the petitioner; Mr. Bindhyachal Singh, learned Senior counsel along with Mr. Aakash Singh, learned counsel appearing on behalf of informant and Ms. Asha Kumari, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 380/2025 registered for the offence(s) punishable under Sections 316(2),318(4),3(5), of the BNS.

3. As per the allegation made in the FIR, the informant was induced by the accused persons to purchase 10 *kathas* of land for Rs. 90 lakhs, out of which about Rs. 79 lakhs was paid, and a sale deed was executed, however, it was later



discovered that part of the land was not validly transferred and that forged identity documents were used during registry, and upon protest, the accused persons abused, threatened and fired at the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. The entire dispute arises out of a land transaction and is purely civil in nature. Learned counsel further submitted that as per the materials available on record, only a limited amount was transacted through bank accounts, whereas, the major portion of the alleged consideration is stated to have been paid in cash at the place of the informant. The petitioner's role was confined only to transfer of his share of land and he had no concern with the alleged impersonation. The sale deed reflects a much lesser consideration amount and the allegations have been exaggerated with an ulterior motive to harass and extort money. The petitioner has clean antecedent. 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 Senior counsel appearing on



behalf of the Informant and 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 petitioner, on instructions, submitted that the petitioner has agreed to appear before the learned District Court at 10:30 A.M. on 04.05.2026.

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***.

11. The petitioner has willingly desired to appear before the learned District Court on or before 04.05.2026, so that the matter can be referred to the District Mediation Centre.

12. 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".

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 three 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 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.

16. In case, it is deliberate on the part of the complainant 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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