

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6542 of 2025

Arising Out of PS. Case No.-70 Year-2024 Thana- BANIAPUR District- Saran

Sriram Gupta @ Shriram Gupta S/O Lt Ramanuj Sah @ Lt Ram Anuj Sah
Resident Of Village - Shekhpura, P.S- Revelganj, Dist- Saran at Chapra., then
residing at Vill- Khabsi, P.S- Baniyapur, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Ramesh Rai S/O Sri Bhagwan Rai Residing at Vill- Khabsi, P.S- Baniyapur,
Dist- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Binod Singh, Advocate
For the State	:	Mr.Upendra Kumar, APP
For the Informant	:	Mr. Krishna Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner who apprehends arrest in connection
with Baniyapur P.S. Case No. 70 of 2024 lodged on 01.03.2024,
for the offences punishable under sections 420, 406, 467, 468/34
of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged
against the present petitioner and two other persons, his son and
daughter-in-law with the allegation that they accepted money
from the informant for transferring a piece of land in his favour,
but failed to execute the transfer despite repeated requests.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is contended that the petitioner is an employee of Gramin Bank and that the property in question stands in the name of his daughter-in-law. He further submits that due to pressure and harassment from the informant, the petitioner's son and daughter-in-law have absconded. Learned counsel argues that the informant has an adequate legal remedy and may seek execution of the sale deed through a suit for Specific Performance of Contract before a competent civil court. He also submits that the petitioner is a 60-year-old retired bank employee and has no control over his son and daughter-in-law. The antecedents of the petitioner are clean.

5. Learned counsel for the informant submits that it is the petitioner who is the key person behind the non-execution of the sale deed after receiving payment. He alleges that the petitioner, along with his son and daughter-in-law, acted in connivance. However, he also submits that the matter may be referred to the Mediation Centre for an amicable settlement.

6. Learned APP for the State opposes the prayer for bail but submits that if there exists a valid agreement for the sale of the property, the informant has the legal right under the



Specific Relief Act to seek execution of the sale deed either by the party or through the process of the court.

7. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned CJM, Saran at Chapra, in connection with Baniyapur P.S. Case No. 70 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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