

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44940 of 2025**

Arising Out of PS. Case No.-276 Year-2023 Thana- BAIRIYA District- West Champaran

1. Parsuram Baitha, S/O Late Ramraj Baitha, R/o Village- Bairiya, P.S.- Bairiya, West Champaran, Bihar
2. Sipahi Baitha, S/O Late Banka Baitha, R/o Village- Bairiya, P.S.- Bairiya, West Champaran, Bihar
3. Lalbabu Baitha @ Lalbabu Kumar, S/O Late Motilal Baitha @ Motilal Baitha, R/o Village- Bairiya, P.S.- Bairiya, West Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shivshankar Yadav, S/O Chanar Yadav, R/o Village- Baghi Aahirani Tola ward no. 12, P.S.- Bairiya, West Champaran, Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

2      16-07-2025                      Heard   Mr. Sujeet Kumar, learned counsel for the  
  
petitioners and Mr. Ashok Kumar Singh, learned APP for the  
  
State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bairiya P.S. Case No. 276 of 2023 instituted for the offence under Sections 341, 406, 419, 420, 120(b), 382, 467, 468, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution based on the complaint



petition is that an agreement to sell was entered between the complainant and the accused persons. It is further alleged that the complainant has handed over Rs. 5,32,000/- to the petitioners and a date was fixed for the registration of sale deed. It is further alleged on that day, petitioners fled away from the registry office.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It has further been submitted by learned counsel for the petitioner that this is out and out the case of civil nature. He has also denied that the complainant has advanced any money. It has been submitted by learned counsel for the petitioners that they have also filed the complaint case against the complainant.

5. Learned APP appearing for the State has vehemently opposed the prayer of bail of the petitioners.

6. From perusal of the complaint petition itself, it transpires that there has been an agreement between the parties and later on the sale deed could not be executed due to the reasons best known to the parties. In such cases, the relief which is available to the complainant is that to file a case for specific performance of contract. This is not the proper forum for



redressal of the dispute.

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bairiya P.S. Case No. 276 of 2023, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Bettiah, District-West Champaran, subject to the conditions as laid down under section 482 (2) of the B.N.S.S.

**(Ashok Kumar Pandey, J)**

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