

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5686 of 2026

Arising Out of PS. Case No.-179 Year-2013 Thana- DUMRA District- Sitamarhi

Mahendra Purvey @ Mahendra Purve, S/o Late Saryug Purvey, Resident of
Village- Barharwa, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 474 of the IPC.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that 3 acre 27 decimal of land at village Manpur was recorded in the name of his father Sita Saran Rai in the Revenue Survey Record, further, 1 acre 1314 decimal land was allotted to Satyanarayan Prasad Yadav, elder brother of the informant and 1 acre land was allotted to his father Sita Saran Rai and 1 acre 1314 decimal land was allotted to the informant, in family partition. It is next submitted alleged that after the death of his



father in 1990, 1 acre land was divided equally between informant and his elder brother Satyanarayan Prasad Yadav i.e. 50 decimal each, the informant from his share sold 61 decimal to Ram Mangal Singh on 03.05.2006, thus remained in possession of 1 acre 2.5 decimal land. It is next alleged that Sunita Devi executed sale deed dated 26.03.2013 in favour of Upendra Rai, further Rafique, Fakir, Mahendra, Badri and Purushottam were witnesses, identifiers and deed writers and assisted in preparing forged document regarding land of petitioner and even applied for mutation.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that even presuming what has been alleged is true without admitting that Sunita executed sale deed with respect to the land of the petitioner in favour of Upendra Rai, in that case, the informant ought to have approached the court of the competent civil jurisdiction for getting the sale deed cancelled on the ground that the same was forged and fabricated. It is also submitted that petitioner is a deed writer



and he wrote the deed on instruction of Sunita in favour of Upendra Rai, after perusing the documents, it is further submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent thus submitted final form exonerating the petitioner all the allegations as alleged in the FIR, but, then the learned Magistrate in a mechanical manner differing with the police report took cognizance and, thereafter, summons, bailable warrants, non-bailable warrants were issued. It is further submitted that specific pleading has been made at para 16 and 17 of the anticipatory bail application that the learned Magistrate even without waiting for the service report in haste was issuing bailable warrant and non-bailable warrant and thereafter, issued process under Section 82 Cr.P.C. It is also submitted that in support of the said submission the order sheet of the learned trial court has been annexed and from perusal of the same it would manifest that the same does not even remotely suggest that the Magistrate issued process under Section 82 Cr.P.C. after being satisfied with regard to the service report of the non-bailable warrant. It is next submitted that when process under Section 82 Cr.P.C. was issued the police started knocking the doors of the petitioner when petitioner came to know that



cognizance has been taken. It is fairly submitted that once process under Section 82 Cr.P.C. is issued, anticipatory bail becomes difficult but then it is also submitted that facts of the case also requires to be appreciated and in the present case the dispute is civil in nature and police has submitted final form and petitioner never received any summons, bailable warrants, non-bailable warrants nor there is any service report on record.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Dumra P.S. Case No. 179 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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