

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73573 of 2025

Arising Out of PS. Case No.-61 Year-2020 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Prabhat Kumar Dubey S/o Late Shivnath Dubey @ Late Siddhnath Dubey
Resident of Village-Paharpur, P.S.-Dankhora, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/o Late Siddhnath Dubey @ Late Shivnath Dubey Resident of
Village-Paharpur, P.S.-Dankhora, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-04-2026 Heard Mr. Sharda Nand Mishra, learned counsel

appearing on behalf of the petitioner and Mr. Umeshanand

Pandit, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case

registered for the offence punishable under Sections 384, 420,

467, 468, 471 and 120B of the Indian Penal Code.

3. The prosecution case, which is based on a

complaint petition, in brief, is that mother of the

complainant/informant executed a registered will in favour of

the complainant with respect to a land. The complainant filed a

probate case bearing Probate Case No. 02 of 2018 and this



petitioner, who is own brother of the complainant, cheated her and executed forged sale deed in favour of Manoj Kumar Mandal, Chandan Kumar Sharma, Rambha Devi and Rita Devi without having right, title or possession over the piece of land which is subject matter of Probate Case No. 02 of 2018.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is own brother of the informant/complainant and due to *mala fide* intention, this false F.I.R. has been lodged. Moreover, the dispute is with regard to sale and purchase of land which is purely civil in nature and none of the acts, allegedly committed by this petitioner would give rise to any criminal liability. It is further submitted that if the complainant/informant has any case against this petitioner about execution of forged sale deed, she can challenge the same before the competent authority by filing appropriate civil suit. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the complaint petition and there is specific accusation that without having any right, title or possession over the piece of land of the



complainant, he executed forged sale deed in favour of other co-accused persons. It is further submitted that petitioner has not dispute the fact that probate case is pending with regard to the land in question and during pendency of the same, this petitioner executed a sale deed and thus, this petitioner has cheated the complainant.

6. Considering the facts and circumstances of the case and specific and direct nature of accusation, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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