

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29861 of 2014

Arising Out of PS.Case No. -192 Year- 2013 Thana -BHAGWANPUR District- BEGUSARAI

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1. Manoj Poddar Son of Late Lakhan Poddar
2. Manju Devi Wife of Manoj Poddar Both resident of Village-Naula, P.S.-
Bhagwanpur, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Indu Kumari Sinha, Advocate

For the Opposite Party/s : Mr. Akbar Ali (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 23-03-2015 Heard learned counsel for the petitioners as well as

learned APP for the State.

The deceased, who was continuing lecherous life with the wife of brother of petitioner no.1, namely, Pankaj Poddar and in the aforesaid background, had volunteered all of his belongings including sale proceeds of the properties, though was maltreated at the end of petitioner no.2 along with other female members. It has further been disclosed that petitioner no.1, Manoj Poddar took him on 24.10.2013 and since thereafter, the deceased Baua Singh @ Ranjeet Singh never returned. During course of search, his dead body was found inside the house of petitioner and his brother, Pankaj Poddar and on account thereof, all the family members have been made accused. The postmortem report suggests death by means of strangulation.



It has further been contended on behalf of petitioners that though, they reside in a common house but has separate identity on account of partition having been effected in the family. It has also been submitted that the dead body of deceased was found from the portion occupied by Pankaj Poddar and not from the portion allotted to the petitioners. It has also been submitted that petitioner no.1 Manoj Poddar happens to be an electrician and is engaged at Munger where he resides along with his family members. Moreover, it has also been submitted that there happens to be no specific allegation against the petitioners. As such, prayer for grant of anticipatory bail.

On the other hand, learned APP opposed the prayer for bail and submitted that from para-2, inquest report, it is evident that dead body was found inside the house, though at Column No.3, it has been mentioned as from the house of Pankaj Poddar. It has also been submitted that from para-93, it is evident that deceased had died on account ante-mortem injury, very particularly, asphyxia due to strangulation. It has also been pleaded that from para-4 of the case diary, it is evident that there happens to be no sign found by the Investigating Officer inside the house which could have suggested separation in the family. Moreover, petitioner no.1 is the person who had accompanied the

deceased, that means to say, the case rests upon the theory of last seen and the close proximity is found from the postmortem report itself.

As such, I do not see it a fit case for grant of anticipatory bail. Prayer stands rejected.

(Aditya Kumar Trivedi, J)

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