

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39672 of 2025

Arising Out of PS. Case No.-454 Year-2024 Thana- KHAGARIA District- Khagaria

1. Naresh Poddar Son of Tapsi Poddar Resident of Village- Kothiya, P.S.- Gangaur, Distt.- Khagaria
2. Guddu Poddar @ Guddu Kumar Son of Naresh Poddar Resident of Village- Kothiya, P.S.- Gangaur, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad, Adv Mr. Om Prakash Kumar, Adv. Mr. Shashank Shekhar, Adv.
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-10-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Gangaur P.S. Case No. 454/2024 registered for the offences punishable under Sections 137(2), 140(1), 140(3), 85, 3(5) of the B.N.S. and $\frac{3}{4}$ of the Dowry Act, later on Section 27(1)(7) of the Arms Act also added during the course of investigation.

3. As per prosecution case, the informant's sister was married with elder son of petitioner no. 1 namely Vikash Kumar approximately seven years ago and at the time of marriage, Rs. 5 lac in cash along with various items were gifted. It is alleged that after marriage, the in-laws of informant's sister continuously demanded additional jewellery and due to non-fulfillment of said demand, the



informant's sister was subjected to various incidents of the domestic violence. It is further alleged that on account of taking reasonable efforts by the informant's family, disputes were settled but abusive approach persisted. It is alleged that on the morning of 13.09.2024 at 08:00 A.M., the information was received from local residents that the informant's sister found missing under suspicious circumstances. It is further alleged that when the informant reached at matrimonial home of her sister, he found that all the family members including informant's sister and her son were found missing and it is reasonably expressed by the villagers that informant's sister had been made to disappear by the petitioners and other and committed the murder of the informant's sister.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case just because petitioner no.1 is father-in-law and petitioner no.2 is brother-in-law (devar) of the deceased. The petitioners are nothing to do with the alleged occurrence and the husband of the deceased has already admitted his guilt. Apart from that, the petitioners bear no criminal antecedent. In the light of aforesaid facts and circumstances of the case, no offence, as alleged in the FIR, is made out against the petitioners.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that occurrence



took place on 14.09.2024 and the informant has already raised the grievance that all the family members have been found missing at the matrimonial home of her sister and dead body of the deceased was recovered on 17.09.2024. He further submits that the postmortem report clearly indicates that metallic bullet was recovered from the dead body of the deceased and the petitioners and other are family members of the deceased and the nature of accusation made by the informant in the FIR is quite evident the manner in which the occurrence has taken place. He further submits that re-statement of the informant and statement of Dinesh Poddar as mentioned in para 5 and 6 of the case diary respectively and other relevant materials are quite indicative that being a member of the matrimonial family, the dead body was found at a particular place and husband of the deceased has already admitted that he has committed the murder of his wife. In such a circumstance, prima facie case is made out against the petitioners who are also the members of matrimonial family. Hence, the petitioners do not deserve the privilege of anticipatory bail. In the last query, the son of the deceased expressed his willingness that he will also join the company of the informant after withdrawal of the case as mentioned in para 124 of the case diary.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioners coupled with the postmortem report as well as material available on record, I am not inclined to grant privilege of anticipatory bail to petitioners.



Accordingly, the prayer for anticipatory bail of the petitioners is,
hereby, rejected.

(Alok Kumar Pandey, J)

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