

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25 of 2026

Arising Out of PS. Case No.-297 Year-2023 Thana- NAUHATTA District- Saharsa

1. Md. Kabir S/o Md. Akbar @ Md. Akbar Ali Resident of village - Chandrain, Ward No. 13, P.S - Nauhatta, District - Saharsa (Dewar / Brother in -law of deceased)
2. Md. Sagir S/o Md. Akbar @ Md. Akbar Ali Resident of village - Chandrain, Ward No. 13, P.S - Nauhatta, District - Saharsa (Husband of deceased)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar
For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-02-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Nauhatta P.S. Case No. 297 of 2023 registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that her daughter was married to Md. Sagir (petitioner no. 2) about 7 years back, further for the last two years, the family members of the husband of the victim were demanding



Rs. 2 lakh and when the demand was not met, the victim was sent to her parental home, further about 17 days back, the father-in-law came and took the victim back to her matrimonial home, further on 30-12-2023 at 7 AM, she was informed on her mobile that her daughter has been killed, accordingly she reached the place of occurrence but could not find her daughter nor any family members were present and three little children of her daughter were crying in the courtyard, thus alleges that the accused persons committed the occurrence and disposed of the dead body.

4. Learned counsel for the petitioners submits that petitioners, being brother-in-law and husband, have been falsely implicated in the instant case by the informant. It is next submitted that earlier Md. Akbar and Halima Khatoon had approached this Court seeking anticipatory bail by filing Cr. Misc No. 24021 of 2024 and the same came to be allowed by an order dated 23-7-2024.

5. At this stage, learned APP submits that while granting the privilege of anticipatory bail to Md. Akbar and Halima Khatoon, the fact which was taken into consideration was that the husband of the deceased was not implicated as an accused. The learned APP further submits that there is specific



allegation of demand of dowry and the victim was also sent back to her matrimonial home when demand of dowry was not met, but later the father-in-law came to the parental home of the victim and took her back to her matrimonial home and thereafter the victim was killed. It is also submitted that the accused persons without informing the informant and her family members got the dead body buried and when the case came to be instituted, it appears that body was excavated and was sent for post-mortem and the doctor opined the cause of death to be asphyxia on account of throttling. It is further submitted that no doubt the husband is not an accused in the FIR as such it was presumed that the family members have been implicated for ulterior reason leading to grant of anticipatory bail to father-in-law and mother-in-law, but then during the course of investigation, the husband also came to be implicated. It is also submitted that the fact that dead body of the victim was buried without informing the family members that amply demonstrates the involvement of the family members of the husband of the deceased as it is not possible for the husband alone to bury the dead body. It is submitted that investigation in the case is continuing.

6. Considering the submission made by learned APP,



the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

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

(Satyavrat Verma, J)

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