

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.5135 of 2026

Arising Out of PS. Case No.-287 Year-2025 Thana- BHAGWANPUR District- Begusarai

-
1. Ram Briksha Mahton @ Ram Vriksha Mahton @ Rambrich Ray S/o Chhathu Mahto Resident of Village - Akaha, Police Station - Bhagwanpur, District - Begusarai
 2. Prabha Devi W/o Ram Briksha Mahton @ Ram Vriksha Mahton Resident of Village - Akaha, Police Station - Bhagwanpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 06-04-2026 Heard Mr. Rajesh Ranjan, learned counsel appearing on behalf of the petitioners and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bhagwanpur P.S. Case No. 287/2025 registered for the offence(s) punishable under Sections 103(1) read with Section 3(5) of the BNS, corresponding to Section 302 read with Section 34 of the IPC.

3. As per the allegation made in the FIR, the



petitioners along with other family members have allegedly killed the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioner nos. 1 and 2 are the father-in-law and mother-in-law of the informant's daughter. It is further submitted that the police have already filed a charge-sheet under Section 108 of the BNS (corresponding to Section 306 of the IPC) against the husband of the deceased. In the absence of any specific allegations against the present petitioners, who are merely the father-in-law and mother-in-law of the deceased, no case under Sections 306 or 302 of the IPC is made out against them. Learned counsel further contended that the petitioners were living separately and had no involvement in the affairs of the deceased and her husband. It is also submitted that the marriage between the petitioners' son and the deceased took place about ten years prior to the incident, and four children were born out of the said wedlock. At present, since the husband of the deceased is in judicial custody, the petitioners, being the grandparents, are taking care of the four children. Petitioners have clean antecedents. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail. He submitted that the investigation against the petitioners is still pending, and there is every likelihood that they may tamper with evidence or influence the course of investigation. It is therefore, contended that the petitioners don't deserve to be released on pre-arrest bail.

6. Having heard the rival submissions advanced on behalf of the parties and upon perusal of the allegations made in the FIR as well as the postmortem report, it appears that the cause of death has not been ascertained and no external injury was found on the body of the deceased. On such basis, the police have submitted charge-sheet under Section 108 of the BNS against the husband of the deceased, while investigation against the present petitioners is still ongoing. The petitioners have claimed that they are the father-in-law and mother-in-law of the deceased and are/were living separately. It has further been submitted that there are four minor children from the said wedlock, who require proper care and attention, which is presently being provided by the petitioners, being their grandparents. In the aforesaid facts and circumstances, and considering that no charge-sheet has been submitted against the petitioners under Section 103 of the BNS, this Court is of the



view that the children should not suffer for want of proper care. Accordingly, the petitioners, being the grandfather and grandmother of the four children, are directed to be released on pre-arrest bail in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai / Concerned Court in connection with Bhagwanpur P.S. Case No. 287/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

8. This Court finds that in the present situation, where the children have lost their mother and the father who is in jail, role of this Court becomes that of *parens patriae*. The Superintendent of Police, being a responsible functionary of the State, is directed to either personally visit the residence of the petitioners or depute a responsible police officer to verify whether the four children of the



deceased are being properly cared for by the petitioners. In the course of such verification, it shall also be ascertained whether the children are residing happily with their paternal grandparents (the petitioners), as claimed by the petitioners. In case, the children are not living with the petitioners then for giving incorrect information before this Court, this order shall lose its force and the petitioners must be taken into custody forthwith.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

