

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30295 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- DIGHA District- Patna

1. Santi Devi wife of Ajay Prasad Gupta @ Ajay Sao Resident of Village -Khajuri PS -Digha Distt -Patna
2. Ajay Sao Son of Late Dhunki Sao Resident of Village -Khajuri PS -Digha Distt -Patna
3. Santosh Kumar son of Ajay Prasad Gupta @ Ajay Sao Resident of Village -Khajuri PS -Digha Distt -Patna
4. Poonam Kumari Daughter of Ajay Prasad Gupta @ Ajay Sao Resident of Village -Khajuri PS -Digha Distt -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar Kashyap, Advocate
		Mr. Rakesh Kumar, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Digha P.S. Case No. 36 of 2026 registered for the alleged offence under Sections 80(2) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, daughter of the informant was married with the co-accused Vijay Soni on 16.07.2021. She died in her matrimonial home on 12.01.2026. The daughter of the informant used to make complaint against the co-accused



husband and her sister-in-law as they had been torturing her and there was demand of money. Lastly, the informant received information that her daughter hanged herself in her matrimonial home. The petitioners are in-laws of the deceased daughter of the informant.

04. Learned counsel for the petitioners submits that the deceased had been suffering form some mental ailments and she had been under continuous treatment. The petitioner no. 1 is mother-in-law, petitioner no. 2 is father-in-law, petitioner no.3 is brother-in-law and petitioner no. 4 is sister-in-law, respectively, of the deceased. Learned counsel further submits that there is no allegation against the petitioner in the FIR and nothing has come up during investigation against these petitioners. The petitioners are having clean antecedent.

05. Learned APP opposes the submission made on behalf of the petitioners. Learned APP for the State submits that if the petitioners are not named in the FIR and nothing came up against the petitioners during investigation, there is no apprehension of arrest for the petitioners.

06. Perused the record.

07. I find it strange that petitioners have approached this Court in this manner at the stage when the petitioners have



neither been named in the FIR and nothing came up against them during investigation. Therefore, there is no apprehension of arrest. The rejection of the prayer for anticipatory bail by the learned trial court considering the nature of offence and relationship of the petitioners with the deceased without any material being placed on record is beyond comprehension. At this stage, I do not find any real apprehension of arrest of the petitioners and, therefore, approaching this Court at this stage by the petitioners is premature.

08. Accordingly, finding no useful purpose in continuing with the present petition, the same is disposed of.

09. If any real apprehension arises, the petitioners are at liberty to have recourse of law in appropriate proceeding before appropriate forum.

(Arun Kumar Jha, J)

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