

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66636 of 2025

Arising Out of PS. Case No.-427 Year-2024 Thana- SAUR BAZAR District- Saharsa

Mulo Devi @ Bulo Devi W/o - Kailash Yadav R/o Village- Ward No. 8 Nado
Tole Khaire, P.S.- Saur Bajar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard the learned Advocate appearing on behalf of

the petitioner and the learned Additional Public Prosecutor for

the State.

2. The petitioner apprehends her arrest in connection
with Saur Bajar P.S. Case No. 427 of 2024, registered for the
offences punishable under Sections 103(1), 238 & 61 of the
BNS.

3. The Chaukidar on receipt of information that one
unknown dead body was buried under the soil reached there and
dug out the dead body. He found that the deceased was done to
death somewhere else and, thereafter, the dead body was buried.
Later on, the name of the petitioner along with other co-accused
persons have been implicated in this case on being found that
the deceased was none else but the daughter of the petitioner.



4. Learned Advocate for the petitioner contended that the petitioner is none else but the mother of the deceased. In fact, on account of some unknown reason, the deceased daughter had consumed poison and when she was taken to hospital, in the way she died and thereupon, due to social fearness, the persons, who were carrying the dead body, buried it and did not disclosed this fact but later on, the present FIR came to be lodged. Taking note of the aforesaid facts, the learned Court has taken cognizance only for the offence under Section 108, 123, 61(2) and 238 of the BNS. The petitioner is a lady, having fair antecedent and even if the allegation taken to be true, hardly the case under Section 238 of the BNS is made out.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner being mother of the deceased must disclose the factum of consumption of poison before the police. Suppressing this fact shows her complicity.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the fact that the petitioner happens to be mother of the deceased and there is no cogent material collected during the course of



investigation, showing direct involvement of the petitioner, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Saharsa – II, District – Saharsa in connection with Saur Bajar P.S. Case No. 427 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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