

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70956 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- MAHISHI District- Saharsa

1. Davarika Ray @ Davarik Ray @ Dovarika Son of Late Pragash Ray Village-
Rupnarayanpur, ward no 13, Panchayat karnauti, PS- Mahnar, District-
Vaishali
2. Saroj Kumari @ Saroj Devi Wife of Davarika Ray @ Davarik Ray Village-
Rupnarayanpur, ward no 13, panchayat karnauti, PS- Mahnar, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-03-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. Learned Counsel for the petitioners submits that during pendency of the bail application, petitioner No. 1 passed away. Therefore, he is not pressing the bail application on behalf of petitioner No. 1.

3. The petitioner No. 2 is apprehending arrest in connection with Mahishi P.S. Case No. 89 of 2024, registered on 04.04.2024 for the offences punishable under Sections 323, 341, 379, 498, 363 and 366 of the Indian Penal Code.



4. As per the prosecution, the FIR has been lodged against three named accused persons, including the petitioner, with allegations that the son of petitioner No. 2 left the house with the wife of the informant. As a result, the present case has been filed by the complainant/informant.

5. Learned counsel for the petitioner submits that the petitioner No. 2 is innocent and has committed no offence. The petitioner No. 2 is the mother of the accused person against whom there is allegation that he has fled away with the children and wife of the complainant/informant. Counsel further submits that petitioner No. 2 is a 61-year-old woman who became a widow after the death of petitioner No. 1. It is specifically pleaded in paragraph 8 of the bail petition that petitioner No. 2 has been residing separately from her son for many years and has no involvement in her son's affairs. Counsel also submits that antecedents of the petitioner are clean.

6. Learned APP for the State opposes the prayer for bail but fairly submits that the petitioner No. 2 is an old lady.

7. In the present facts and circumstances, let the petitioner No. 2 be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4



weeks from today, on furnishing bail bonds of Rs.30,000/-
(Rupees Thirty thousand) with two sureties of the like amount
each to the satisfaction of Sub-Divisional Judicial Magistrate,
Supaul, in connection with Mahishi P.S. Case No. 89 of 2024,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dr. Anshuman, J.)

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