

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37352 of 2023**

Arising Out of PS. Case No.-24 Year-2023 Thana- BIRAUL District- Darbhanga

RUBY DEVI WIFE OF PREM ROY @ PREM NARAYAN ROY  
RESIDENT OF VILLAGE - PARARI, P.S. - BIRAUL, DISTRICT -  
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      04-09-2023                      Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends her arrest in connection with Biraul P.S. Case No. 24 of 2023 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

3. As per prosecution case, on 19.01.2023 someone informed the brother-in-law of informant that his mother-in-law has been killed, accordingly his brother-in-law informed him that his mother has been killed, thereafter he along with brother-in-law reached the village where he saw the dead body of his mother with marks of injury on nose and neck. It is further alleged that he came to know that on 18.01.2023, his divorced first wife (Rubi), this petitioner, along with co-accused Dinesh



in conspiracy killed his mother.

4. Petitioner is the divorced wife of the informant.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that informant used to torture his wife Ruby as such she took divorce in which co-accused, Dinesh Thakur, and his family members helped. It is next submitted that the deceased was nearly eighty years old and she died her natural death. Learned counsel submits that from perusal of the allegations as alleged in the FIR it would manifest that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion, further even his brother-in-law did not disclose to the informant that as to who informed him that his mother was killed which further casts an aspersion on the case of the prosecution. Lastly, it is submitted that co-accused, Dinesh Tkahur, has already been granted bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 37997/ 2023. Petitioner is a lady and she has got no criminal antecedent.

6. Learned counsel appearing for the State opposes the prayer for anticipatory bail.

7. Considering the facts of the case, nature of



accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of her arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Biraul, Darbhanga in connection with Biraul PS case No. 24/ 2023, subject to conditions laid down u/s 438(2) of the Cr. P. C.

**(Prabhat Kumar Singh, J)**

BKS/-

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