

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83222 of 2025

Arising Out of PS. Case No.-234 Year-2022 Thana- BENIPATTI District- Madhubani

Ruby Devi Wife of Birju Paswan, D/o- Vishnu Dev Paswan Resident of
Village- Kesauli, P.S.- Benipatti, District- Madhubani, At Present (Sasaural)-
Resident of Village- Charaut, P.S.- Sitmarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 23-12-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 302,
304(B) and 120(B) of the IPC.
3. The SHO and the Investigating Officer of the case,
in compliance of the order dated 10.12.2025 are present in the
Court.
4. Learned counsel for the petitioner submits that
petitioner being married sister-in-law of the deceased has been
falsely implicated in the instant case by the informant. It is next
submitted that the case was taken up on 10.12.2025, when a



detailed order was recorded. It is next submitted that petitioner is married sister-in-law of the deceased and she resides at Sitamarhi but then she came to be implicated by the informant based on suspicion when informant is not an eyewitness to the occurrence. It is also submitted that the death of the victim occurred at Indore in a hospital, as would manifest from Annexure-3 to the anticipatory bail application and even the police during the course of investigation also recorded the said fact that victim died at Indore. It is further submitted that postmortem of the victim was carried out by the hospital at Indore as would manifest from Annexure-3 to the anticipatory bail application but then the police and the informant are claiming that dead body of the victim was sent for postmortem at Sadar Hospital, Madhubani on 04.09.2022. It is further submitted that petitioner is no way involved in the occurrence as such police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form, exonerating her of the allegation as alleged in the FIR but then the learned Magistrate differing with the police report took cognizance by an order dated 27.03.2025. It is further submitted that the moment the petitioner came to know that cognizance has been taken by the learned Magistrate, as such she



approached the learned District Court on 21.08.2025 by filing the instant anticipatory bail application but during pendency of the anticipatory bail application, the learned Magistrate issued process under Section 82 Cr.P.C. by an order dated 02.09.2025. It is submitted that police has submitted final form exonerating the petitioner of the allegation, on coming to know about the order of cognizance, she approached the learned District Court, as such she was not absconding but still process under Section 82 Cr.P.C. came to be issued on 02.09.2025. It is further submitted that anticipatory bail application of the petitioner was rejected by an order dated 03.11.2025 and thereafter the petitioner approached this Court by filing the instant anticipatory bail application which was registered on 25.11.2025 before this Court. It is next submitted that the moment the anticipatory bail application of the petitioner came to be rejected by the learned District Court, the learned Magistrate on 04.11.2025 issued process under Section 83 Cr.P.C. It is submitted that this amply demonstrates the mechanical approach of the Magistrate in issuing process under Sections 82 and 83 Cr.P.C. without realizing that one investigating agency after threadbare investigation had come to a conclusion that petitioner was innocent and petitioner was availing her remedy in



accordance with law prior to issuance of process under Section 82 Cr.P.C. It is also submitted that there is nothing on record even to remotely substantiate that summons issued by the learned District Court was received by the petitioner and she evaded the same.

5. Learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that police after investigation submitted final form exonerating the petitioner of the allegation.

6. Considering the submissions made by the learned counsel for the petitioner and taking into consideration the fact that petitioner is married sister-in-law of the deceased and resides separately, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipatti, Madhubani in connection with Benipatti P.S. Case No.234/2022, Corresponding to G.R. No.459/2022, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

7. The personal appearance of the SHO and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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