

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22594 of 2024

Arising Out of PS. Case No.-192 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

Subila Devi w/o Raghu Chauhan R/o vill - Ganpat Nagar, P.S. - Neemchak
Bathani, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections-147, 148, 149, 341, 323, 504,
506, 379, 307 of the Indian Penal Code.

3. As per allegation, when son of the informant was
standing at his door, the petitioner, her husband Raghu Chauhan,
Satish Chauhan came there. Raghu Chauhan was having lathi in
his hand whereas Satish Chauhan was having rifle in his hand.
Further allegation is that Satish fired at the son of the informant.
The co-accused Guddu Chauhan having rifle, Ravi Kumar
having country-made pistol, Bhupendra Chauhan having iron
rod, Amrik Chauhan having pistol and Nitish Chauhan having



rifle in their hands also came there. They were abusing the members of prosecution side. The specific allegation against the petitioner is that she ordered her son to kill the deceased.

4. Learned counsel for the petitioner has submitted that she is innocent and has falsely been implicated in this case. In course of treatment, the injured (son of the informant) died and thereafter, Section 302 of the Indian Penal Code was also added. It has further been submitted that in the upper part of the fardbeyan, it has been mentioned that co-accused Satish Chauhan fired at son of the informant but it has not been mentioned specifically that on the order of the petitioner, he opened fire. In the subsequent part of the FIR, it has intentionally been added to implicate this innocent lady.

5. On the other hand, learned counsel for the informant has submitted that the petitioner exhorted her son whereupon, he fired at the deceased. He has also submitted that the witnesses in different paragraphs of case diary, have supported the occurrence.

6. From perusal of the FIR, it appears that in upper part of the FIR, though it has been mentioned that Satish Chauhan fired at the informant's son but it has not been mentioned that firing was made on the order of the petitioner



but in the later part, it has been mentioned that on the order of this petitioner, her son opened fire. The petitioner is a lady.

7. Considering the aforesaid facts and circumstances, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gaya in connection with Neemchak Bathani P.S. Case No. 192 of 2023 with condition that the petitioner shall cooperate with the trial and make herself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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