

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36105 of 2026

Arising Out of PS. Case No.-33 Year-2026 Thana- ARA MUFFSIL District- Bhojpur

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Shubhavati Devi @ Subhavati Devi W/o Late Sushil Tiwari Resident of
Village- Babhnauli, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner is apprehending arrest in connection
with Ara Mufassil P.S. Case No. 33 of 2026 lodged on
09.02.2026, for the offence punishable under Sections 126(2),
109, 103(1), 352, 351(1) & 3(5) of the Bharatiya Nyaya Sanhita
2023 and section 27 of the Arms Act, pending in the Court of
A.C.J.M.-VI, Bhojpur, Ara.

4. As per the prosecution, FIR has been lodged against
two named accused persons including the present petitioner with



allegation that co-accused Basant Tiwari fired two shots at the informant's husband, due to which, he died on the spot and it has also been alleged that the petitioner has instigated her son Basant Tiwari to kill the informant's husband.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and she has been falsely implicated in this case. Counsel submits that only allegation against the petitioner is that she has instigated her son and she neither carried any weapon nor alleged to have assaulted the deceased. He submits that the petitioner is a female aged about 62 years. He further submits that the petitioner has clean antecedent.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has exhorted her son Basant Tiwari to kill the informant's husband and as per the rejection order, it has come that the petitioner is also not cooperating in investigation.

7. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today



then in that case, the Trial Court is directed to pass order on her surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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