

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12941 of 2023**

Arising Out of PS. Case No.-877 Year-2022 Thana- LAKHISARAI District- Lakhisarai

BIBHA SINHA @ LAXMI DEVI W/O PREM KUMAR SINHA @ PREM
KUMAR Resident of Village- Balgudar, P.S.and District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Umesh Prasad, Advocate
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-06-2023 Heard Mr. Krishna Prasad Singh, learned Senior
counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
01.11.2022, in connection with Lakhisarai P.S. Case No. 877 of
2022, F.I.R. dated 31.10.2022 registered for the offences
punishable under Sections 302, 201, 120(B) of the Indian Penal
Code and Sections 3, 4, 5 and 6 of the Immoral Traffic
Prevention Act, 1956.

The allegation of murder of the deceased is against
Dharmveer Kumar, who happens to be the husband of the
deceased.

Learned Senior counsel for the petitioner submits that
the petitioner is innocent and she has been falsely implicated in



the present case. He further submits that from a bare perusal of the F.I.R. it transpires that there is specific and direct allegation against co-accused person namely Dharmveer Kumar who happens to be the husband of the deceased and he had thrown out on the road from the 4th floor to the victim. He further submits that there is no allegation of any assault or overt act attributed against the petitioner and there is only allegation that the co-accused Dharmveer Kumar and petitioner also forced the victim in prostitution. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the petitioner that the petitioner is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 877 of 2022, subject to the following



conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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