

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11494 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- LALGANJ District- Vaishali

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Jitendra Kumar Son of Shivparsan Bhagat Resident of Village- Kamalpur, PS-
Lalgaj, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. In this present case, the petitioner seeks bail in connection with Lalganj P.S. Case No. 391 of 2024 registered for the offences under Sections 498(A), 341, 323, 376, 504, 406 and 379/34 of the Indian Penal Code.

3. As per prosecution case, after death of the husband of the informant in a road accident, the petitioner, who is the brother of the husband of the informant, established physical relationship with the informant and she became pregnant. Prior to that the father-in-law of the informant kept the after-death benefits amounting to Rs. 9,50,000/- in his account with assurance to the informant that she and her children would be taken care of and her marriage would be solemnized with the



petitioner. When the informant became pregnant, coming to know about this fact, father-in-law and her other in-laws assaulted her and snatched her ornaments and stopped her meals. Subsequently, the marriage of the petitioner was solemnized with one Kaushalya Devi @ Rani Kumari on 27.06.2024 and the informant and her children were driven out from the house by the petitioner and other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The whole prosecution story is concocted in order to pressurize the petitioner and his family members. Two sale deeds dated 22.06.2024 have been executed in favour of the minor son of the informant for giving him share in the family property. Learned counsel further submits that the informant put her signatures on the sale deeds and if she was aggrieved, she would have instituted the case in the month of June itself when the petitioner was married with some other lady but she did not do so and she lodged the present case only 02.11.2024 and it shows she wanted more share in the family property. Learned counsel further submits that in fact the informant started staying at her parental home after death of her husband and story of establishing physical relationship is false.



Even if there has been any physical relationship, the same is consensual in the given facts of the case and, hence, no offence under Section 376 of IPC is made out. Petitioner is in custody since 03.11.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that there is direct allegation that the petitioner, giving inducement of marriage, established physical relationship with the informant and made her pregnant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also considering the clean antecedent of the petitioner coupled with period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Lalganj P.S. Case No. 391 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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