

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58708 of 2025

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

1. Shiv Parsan Bhagat @ Shivprasan Bhagat S/o Late Nandu Bhagat R/o vill - Kamalpur, P.s.- Lalganj, Distt.- Vaishali
2. Samundri Devi W/o Shiv Parsan Bhagat @ Shivprasan Bhagat R/o vill - Kamalpur, P.s.- Lalganj, Distt.- Vaishali
3. Parkash Kumar @ Parkash Bhagat @ Prakash Bhagat @ Prakash Kumar S/o Shiv Parsan Bhagat @ Shivprasan Bhagat R/o vill - Kamalpur, P.s.- Lalganj, Distt.- Vaishali
4. Dharmendra Kumar S/o Shiv Parsan Bhagat @ Shivprasan Bhagat R/o vill - Kamalpur, P.s.- Lalganj, Distt.- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Lalganj P.S. Case No.391 of 2024, registered under Sections 498A, 341, 323, 376, 504, 406, 379, 34 of the Indian Penal Code (in short 'I.P.C.').

3. As per the FIR, petitioner No.1, who is father-in-law of the informant, assured the informant to solemnize her marriage with one of his younger son, namely, Jitendra Kumar, after death of the husband of the informant in a road accident. It is also alleged that Rs.9,50,000.00 was received by the



petitioner No.1 in his own account, which was, in fact, was of husband of the informant. It is submitted that marriage of the informant was not solemnized as promised with the younger son of petitioner No.1 and subsequently, the ancestral property of petitioner No.1 was divided equally among rest of his three sons excluding the informant and her children.

5. It is submitted that in the background of the aforesaid allegations, the younger son of petitioner No. 1, namely, Jitendra Kumar, was alleged to establish physical relation with the informant, who was already granted bail by a learned Coordinate Bench of this Court by order dated 06.03.2025 passed in Cr. Misc. No. 11494 of 2025. It is pointed out that the petitioners are the family members and in the background of dispute arising out of partition of ancestral property, the present false implication was raised. All petitioners are of clean antecedents.

5. Learned APP has opposed the prayer of bail.

6. In view of the aforesaid factual submissions as the allegation of rape is not *prima facie* available against the petitioners, whose implications appears out of relation with co-accused Jitendra Kumar against whom the thrust of allegation *qua* rape appears available, accordingly, all the four petitioners,



above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Vaishali at Hajipur, in connection with Lalganj P.S. Case No.391 of 2024 subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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